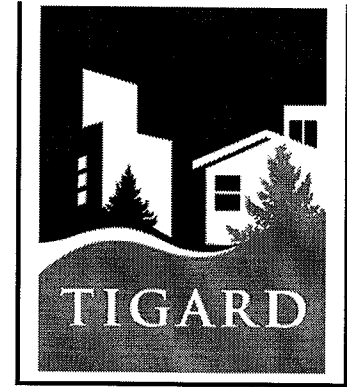




TIGARD CITY COUNCIL  
MEETING

MARCH 13, 2007 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

# AGENDA

## TIGARD CITY COUNCIL MEETING

6:30 PM

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss pending litigation under ORS 192.660(2) (e) and Labor Relations under ORS 192.660 (2) (d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- STUDY SESSION
  - > Balloon Festival Use of Cook Park - Administration Staff
  - > IGA with Clean Water Services for Fanno Creek Master Plan – Community Development Staff

7:30 PM

1. BUSINESS MEETING
  - 1.1 Call to Order - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
  - Tigard High School Student Envoy Jasmina Disdarevik
  - Follow-up to Previous Citizen Communication
3. CONSENT AGENDA: *These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:*
  - 3.1 Approve Council Minutes for February 13, 2007
  - 3.2 Receive and File:
    - 3.2.a Council Calendar
    - 3.2.b Tentative Agenda
  - 3.3 Approve an Intergovernmental Agreement with Clean Water Services for the Fanno Creek Master Plan
  - 3.4 Award Contract for Right-of-Way Acquisition Services for Burnham Street Improvements – Community Development Staff

4. INFORMATIONAL PUBLIC HEARING – FORMATION OF SANITARY SEWER DISTRICT NO. 40 (SW ANN STREET)
  - Staff Report: Community Development Department
5. CITY ANNEXATION POLICY
  - Staff Report: Community Development Department
6. AWARD FANNO CREEK PARK/PLAZA MASTER PLAN CONTRACT
  - Staff Report: Community Development Department
7. AMEND TIGARD MUNICIPAL CODE REGARDING SOLID WASTE MANAGEMENT ENFORCEMENT OFFICERS
  - Staff Report: Public Works Department
8. LEGISLATIVE PUBLIC HEARING - RESIDENTIAL ZONING DISTRICT USE REGULATIONS AMENDMENT – DEVELOPMENT CODE AMENDMENT
  - Staff Report: Community Development Department
9. NON AGENDA ITEMS
10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
11. ADJOURNMENT

Agenda Item No. 3.1  
For Agenda of Mar. 13, 2007



*Tigard City Council Meeting Minutes*

Date: February 13, 2007  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Gretchen Buehner  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	Mayor Dirksen called the Study Session to order at 6:30 p.m.	
Study Session – Discussion of Tigard Municipal Code Amendment for Solid Waste Management	<p>Public Works Director Koellermeier introduced this topic. Water Quality Coordinator Hart was in attendance as were the following representatives of Tigard's solid waste franchisees:</p> <p>Pride Disposal: Mike Leichner Lee Kell (attorney) Barry Graham</p> <p>Waste Management: Dave Huber</p> <p>A copy of the staff report is on file in the City Recorder's office outlining the problems when non-franchised haulers provide garbage service within the boundaries of the franchised haulers. At the request of the franchisees, the proposed code revisions seek to rectify these problems by giving Pride Disposal and Waste Management the authority to take action against non-franchised haulers. Key points of the revisions proposed to code (TMC Chapter 11.04) are outlined in the staff report.</p> <p>Discussion followed among the City Council, staff and franchisee representatives regarding the proposed code changes. Below are some of the</p>	<p>After discussion, City Council consensus was to move forward with the preparation of an ordinance for the City Council's consideration to revised Tigard Municipal Code Chapter 11.04 regarding solid waste management enforcement.</p>



Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>highlights of the discussion:</p> <ul style="list-style-type: none"> <li>◆ If the franchisee is allowed to take action in the Washington County Circuit Court, this would not be a burden on staff.</li> <li>◆ Franchisees would bear full burden of cost in pursuit of enforcement actions.</li> <li>◆ Non-franchised haulers are trying to break the franchise system; it is generally not a case of ignorance of the franchise system.</li> <li>◆ Discussion of whether it would be possible to cite violation of the Tigard Municipal Code to municipal court.</li> <li>◆ Discussion of whether or not attorney fees are awarded to prevailing party.</li> <li>◆ The City would receive revenue from fines; not the franchisee.</li> <li>◆ These problems are being experienced in a number of other jurisdictions.</li> <li>◆ Trash pick up by “junk” collectors is a separate issue.</li> <li>◆ Franchisees believe the primary haulers entering into the franchised area are from Portland; there are a few from the Eugene area.</li> </ul>	
Study Session – Burnham Street Update	<p>City Engineer Duenas presented the information on this item. A memorandum dated January 31, 2007 from City Engineer Duenas to the Mayor and Council and City Manager Prosser regarding an update on this project is on file in the City Recorder's office. Key points are:</p> <ul style="list-style-type: none"> <li>◆ Original cost estimate prepared by OTAK at the beginning of the project was \$3.9 million. The cost is now projected at \$4.9 million for the reasons outlined in the memo referred to above.</li> <li>◆ Funding shortfall is now \$3 million. Priorities in the Community Investment Program (CIP) budget review will include this project.</li> <li>◆ City Manager Prosser said the City Council does not need to make a decision tonight; rather, this is being brought to their attention in advance of the CIP review so they know there will be tradeoffs to consider when setting priorities.</li> <li>◆ Councilor Buehner commented that people are</li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>unhappy about the Walnut Street project which is not finished and had been the No. 1 project.</p> <ul style="list-style-type: none"> <li>◆ In response to a question from Councilor Woodruff, City Manager Prosser advised that the Green Street grant money will not free up dollars for the Burnham Street project as the grant is for Main Street. The grant also requires the City to match with \$800,000.</li> </ul>	
Study Session – FY 07-08 Council Training	<p>Assistant City Manager Newton reviewed information distributed to the City Council regarding Council training and budget for 2007 and 2008.</p> <p>Discussion followed on how to decide to allocate an amount for the Council's training budget in 2008. Council members agreed to place \$2,500 per Council member in the proposed budget for training during next fiscal year (\$12,500 total). Council members discussed that if one Councilor does not intend to use the \$2,500 allocation then he or she could offer that training money to a fellow Councilor who would like to attend additional training.</p> <p>Council members indicated support for training proposals for staff and would not want to see any cuts in this area of the budget.</p> <p>There was discussion on an upcoming training session sponsored by the League of Oregon Cities: <i>Governing 101: Legal Powers and Impediments Affecting Elected Officials</i>. Council members supported expenditure for the Workshop Fee of \$50 so that Councilor Buehner, as a new City Council member, could attend.</p>	
Study Session: Citizen Comment Cards	Assistant City Manager Newton distributed samples of a proposed Citizen Comment card for City Council review.	
Executive Session	The Tigard City Council went into Executive Session at 7:06 p.m. to discuss real property transaction negotiations under ORS 192.660(2) (e).	

Agenda Item	Discussion & Comments	Action Items (follow up)
	Executive Session concluded at 7:15 p.m.	
Administrative Items	<p>The following items were reviewed:</p> <ul style="list-style-type: none"> <li>○ Draft of <i>Tigard City Council Goals 2007</i> was distributed. Consensus of City Council was that this could be distributed as the final draft.</li> <li>○ Council Calendars – February/March: City Council members were asked to bring calendars to the first meeting each month to determine dates to avoid scheduling various meetings.</li> <li>○ Senator Burdick and Representative Galizio are scheduled to meet with the City Council on February 27. City Council agreed to invite Metro Councilor Carl Hosticka to the February 27 City Council meeting as a separate agenda item.</li> <li>○ Franchise agreements will be discussed at an upcoming Metropolitan Area Communications Commission meeting. There was some concern by MACC regarding ex parte contact from franchisees; although this appears to be a legislative matter (not quasi judicial).</li> <li>○ Councilor Harding referred to the Washington County Coordinating Committee and priorities for funding projects. Councilor Harding advised that Westside Economic Alliance Executive Director Schlueter appears to be supportive of projects for this part of the county.</li> <li>○ Brian Wegener and Alexander Craghead spoke at a recent JPACT meeting to request support of the Main Street project.</li> </ul> <p>Study Session concluded at 7:27 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:35 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Buehner, Harding, Sherwood, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications &amp; Liaison Reports:</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>											
2. Citizen Communication	<ul style="list-style-type: none"><li>♦ Phil Decker, 14540 SW 148<sup>th</sup> Place, Tigard, OR distributed a page of information entitled <i>Bull Mountain Incorporation, Measure 34-129; How much real support did it have?</i> A copy of this document is on file in the City Recorder's office. Mr. Decker reviewed his interpretation of the statistics he compiled regarding the recent incorporation effort.</li><li>♦ John Frewing, 7110 SW Lola Lane, Tigard, OR commented on park land acquisition and quoted a number which he thought was a high estimate for park property associated with Ash Creek Estates. He noted his concerns that a quid quo pro situation existed with the developer. He asked about receiving more information on this transaction. City Manager Prosser responded that this is an ongoing property negotiation and there is no agreement at this time. This will have to come before the City Council for approval at a public meeting. Mr. Frewing noted his concerns about having the public having the information available so there is an opportunity to review and comment. He requested information as soon as it could be made available.</li></ul>											
3. Consent Agenda	<p>Mayor Dirksen requested Item 3.5 be removed for separate consideration.</p> <p>3.1 Approve Council Minutes for January 9, 2007</p> <p>3.2 Receive and File:</p> <p>3.2.a November 14, 2006 Minutes of Joint Council Meeting with Lake Oswego</p> <p>3.2.b January 30, 2007 Fifth Tuesday Meeting Notes</p> <p>3.2.c Council Calendar</p> <p>3.2.d Tentative Agenda</p> <p>3.3 Approve an Intergovernmental Agreement with Clean Water Services for the Preparation of a Sanitary Sewer Master Plan</p> <p>3.4 Approve Budget Amendment #12 for Sewer Master Plan Project Additional Funding</p>	<p>Motion by Mayor Dirksen, seconded by Councilor Woodruff, to approve the Consent Agenda, with Item 3.5 removed for separate consideration.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Buehner	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Woodruff	Yes											

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>RESOLUTION NO. 07-07 – A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2006-07 BUDGET TO INCREASE APPROPRIATIONS IN THE SANITARY SEWER CAPITAL PROJECTS BUDGET WITHIN THE COMMUNITY INVESTMENT PROGRAM FOR ADDITIONAL FUNDING FOR THE SANITARY SEWER MASTER PLAN PROJECT</p> <p>3.5     Removed for separate consideration (see          below):</p> <p>3.6     Authorize the Mayor to Renew a West Nile          Virus Intergovernmental Agreement with          Washington County</p> <p>3.7     Authorize the City Manager to sign a          Settlement Agreement with the Business          Software Alliance (BSA)</p> <p>_____</p> <p>Council then discussed and considered Item No. 3.5:</p> <p>Commend the Members of the Planned Development Code Review Committee for their Service and to Disband the Committee</p> <p>RESOLUTION NO. 07-08 – A RESOLUTION TO COMMEND THE MEMBERS OF THE PLANNED DEVELOPMENT CODE REVIEW COMMITTEE AND TO DISBAND THE COMMITTEE</p> <p>Mayor Dirksen said he asked for this item to be considered separately so the City Council could take the opportunity to thank the members of the Committee for their hard work in working through the issues within the Planned Development Code. The names of the Committee Members were read: Sue Beilke, Gretchen Buehner, Alice Ellis-Gaut, Ron Ellis-Gaut, John Frewing, Bill McMonagle, Charles Schwarz and David Walsh.</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve Resolution No. 07- 08.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen            Yes Councilor Buehner        Yes Councilor Harding        Yes Councilor Sherwood      Yes Councilor Woodruff      Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
4. Annexation Policy Discussion	<p>Community Development Director Coffee introduced this agenda topic. Long Range Planning Manager Bunch presented the staff report; highlights are summarized below:</p> <ul style="list-style-type: none"> <li>◆ In January 2006, City Council considered four annexation policy options and agreed that the City should have a “reactive” policy that established a neutral position towards annexation. To lessen the burden on applicants Council waived annexation fees.</li> <li>◆ Staff recommends Council’s current policy of reacting to annexation requests when they occur be continued for another 12 months along with continuing the waiver of the annexation fees until July 1, 2008.</li> <li>◆ Staff recommends Council amend Comprehensive Plan Policy 10.2.1 pertaining to annexation and City services. The proposed changes were outlined in the staff report submitted to the City Council and are on file in the City Recorder’s office.</li> <li>◆ An additional proactive element the City Council might want to consider includes phasing in, over a period of five years, the added amount of city property taxes associated with annexation.</li> <li>◆ No new city was incorporated on Bull Mountain. Nevertheless, events leading up to this incorporation effort will likely color annexation discussions for a long time. Staff believes the proposed Comprehensive Plan changes would help stay the course and clear up ambiguity to make it clear that annexation is required if City of Tigard services are provided.</li> <li>◆ Council might choose a hybrid policy for annexation from the four policy alternatives: aggressive, proactive, reactive, or inactive.</li> <li>◆ Council viewed an urban planning area analysis map showing that some unincorporated areas have essentially developed to an urban density.</li> <li>◆ Long Range Planning Manager Bunch reviewed the following regarding what should be considered in reaching an annexation policy decision:</li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> <li>○ The long-term benefits/interest of Tigard citizens as well as those in the urban growth boundary including government services that are high quality and responsive.</li> <li>○ The benefits of being a Tigard citizen.</li> <li>○ Develop positive relationships with property owners and residents of unincorporated Bull Mountain and Metzger.</li> <li>○ People should not feel coerced to annex; however, a full level of urban services should only be provided to those who are paying for them.</li> <li>○ Logical City boundaries promote the provision of cost-efficient urban services.</li> <li>○ Discussions with the County about its role in providing urban services and its annexation policy. Discuss annexation regulations with Metro and the State of Oregon; where should urban services be provided.</li> <li>◆ Council members discussed their views on how to proceed with setting an annexation policy: <ul style="list-style-type: none"> <li>○ Councilor Woodruff recalled last year's City Council discussion and the proactive/reactive hybrid policy supported by the Council members at that time. He supported continuation of this policy, which is to make the City as attractive as possible to those who might consider annexation and to continue to waive annexation fees. He also supported communicating with unincorporated citizens the message that Tigard would like them to become a part of the City.</li> <li>○ Councilor Sherwood said she has been contacted by people who want to annex but were waiting for the annexation policy to be determined by the Council. She said she could support a three-year property tax phase-in rather than the five years proposed by staff.</li> <li>○ Councilor Buehner indicated she had strong feelings that unincorporated areas of Bull Mountain and Metzger should come into the City of Tigard. She supported the policies as stated above by Councilor Woodruff and Councilor Sherwood. In addition she would</li> </ul> </li> </ul>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>support:</p> <ul style="list-style-type: none"> <li>▪ squaring off city boundaries</li> <li>▪ contacting people who have indicated to her and Councilor Sherwood of their interest in annexing to the City of Tigard</li> <li>▪ determining how people who are not contiguous to the City of Tigard could annex if they wanted to do so</li> <li>▪ working with other agencies including Metro and ODOT</li> <li>▪ favoring a hybrid of elements from the proactive/reactive policy alternatives (does not support aggressive)</li> <li>▪ questioning the urgency for the Comprehensive Plan amendments</li> <li>▪ showing leadership and demonstrating the benefits of becoming a part of the City</li> </ul> <p>○ Mayor Dirksen said he agreed with statements made by the Council members above. He noted concerns with “uneven development”: palatial estates adjacent to high density developments.</p> <p>He supported a hybrid, which he termed as “proactive plus.” He said he did not support involuntary annexations with the possible exceptions of island annexations. Regardless of any policies adopted by Council, Mayor Dirksen said he would not support a “rubber stamp” application of an annexation policy; rather, he said each annexation should be considered on its own merit.</p> <p>Mayor Dirksen supported continuation of the annexation fee waiver and a phase-in of property taxes over a three-year period to lessen the financial obligation for newly annexed property owners.</p> <p>○ Non remonstrance agreements should be reevaluated especially if the Comprehensive Plan is clarified with regard to annexation in order to receive City services.</p>	



Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> <li>○ Mayor Dirksen noted agreement with previous comments from Councilor Harding calling for building relationships with residents in the unincorporated areas.</li> <li>○ Council will revisit the annexation policy in one year.</li> </ul> <p>City Manager Prosser summarized he heard Council consensus to:</p> <ul style="list-style-type: none"> <li>- Rebuild relationships</li> <li>- Contact owners of undeveloped properties to determine if they would like to annex</li> <li>- Be more aggressive on island annexations</li> </ul> <ul style="list-style-type: none"> <li>○ Councilor Woodruff said he was not yet convinced that it was a good idea to phase in property taxes whereby current Tigard residents would subsidize new residents. Mayor Dirksen said he thought that a burden already exists and over time the subsidy would be reduced. City Manager Prosser agreed that the phase-in of property taxes would provide an opportunity to end the inequity in the third year after annexation.</li> </ul> <p>Long Range Planning Manager Bunch will draft a resolution for City Council's review memorializing an annexation policy based upon the above City Council comments.</p> <p>There was discussion on Councilor Buehner's suggestion to take jurisdiction of Bull Mountain Road to SW 133<sup>rd</sup> Avenue. The Council members agreed that this could be discussed as a separate item from the annexation policy and that the City should contact Washington County officials. Beef Bend Road should also be reviewed with regard to jurisdiction. King City now has jurisdiction to the centerline of a portion of Beef Bend Road.</p>	
> Library Survey	In response to a question from Councilor Harding, City Manager Prosser advised that the library survey is almost half-way completed. He suggested that	

Agenda Item	Discussion & Comments	Action Items (follow up)
	next year's survey be modified to ask a question to determine whether or not a respondent is a Tigard resident.	
Adjournment	The meeting adjourned at 8:40 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Buehner    Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Woodruff   Yes</p>

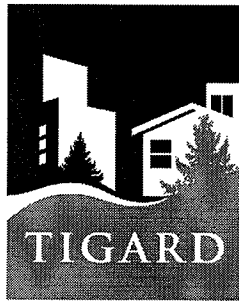
Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date:\_\_\_\_\_

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# MEMORANDUM

TO: Honorable Mayor & City Council  
FROM: Cathy Wheatley, <sup>Cathy</sup> City Recorder  
RE: Three-Month Council Meeting Calendar  
DATE: March 6, 2007

Agenda Item No. 5.2.9  
For Agenda of March 13, 2007

Regularly scheduled Council meetings are marked with an asterisk (\*).

## March

13\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
20\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall  
27\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

## April

10\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
17\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall (Tentatively: Joint Meeting with Intergovernmental Water Board and Lake Oswego City Council)  
24\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
30 Monday Budget Committee Meeting – 6:30 pm, Library Community Room

## May

7 Monday Budget Committee Meeting – 6:30 pm, Library Community Room  
8\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
14 Monday Budget Committee Meeting – 6:30 pm, Library Community Room  
20\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall  
21 Monday Budget Committee Meeting – 6:30 pm, Library Community Room (If needed.)  
22\* Tuesday Council Business Meeting – 6:30 pm, Town Hall  
28 Monday Memorial Day Holiday – City Offices Closed  
29 Tuesday Fifth Tuesday Council Meeting – 7 pm, Library Community Room

Tigard City Council Tentative Agenda 2007

Agenda Item No. 3.2.6  
Meeting of March 13, 2007

<b>Meeting Date:</b>	<b>March 13, 2007</b>	<b>Meeting Date:</b>	<b>March 20, 2007</b>	<b>Meeting Date:</b>	<b>March 27, 2007</b>
Meeting Type/Time:	Business/6:30 p.m.	Meeting Type/Time:	Workshop/6:30 p.m.	Meeting Type/Time:	Business/6:30 p.m.
Location:	City Hall	Location:	City Hall	Location:	City Hall
Greeter:		Greeter:		Greeter:	
Materials Due @ 5:	February 27, 2007	Materials Due @ 5:	March 6, 2007	Materials Due @ 5:	March 13, 2007
Councilor Sherwood absent		Councilor Sherwood absent		Councilor Woodruff Absent	
Study Session		Workshop Agenda		Study Session	
Exec. Session: Pending Litigation re Measure 37 - Tim R. - 20 min. Exec. Session: Labor Relations - Sandy -20 min. IGA w/Clean Water Services for Fanno Creek Master Plan - Phil N.- 5 min. Balloon Fest. Use of Cook Park - Admin.		Joint Meeting with the Intergovernmental Water Board - Dennis - 30 min. Joint Meeting with Library Board - Margaret B. - 30 min. - SI GIS Pilot Project - Bob S. - 15 min. Proposed Community Investment Program for FY 2007-2012 - Tom C. - 30 min. Gang Graffiti Problem - Bill D. - 30 min. Discussion of Cross Connection Code Updates Dennis K. - 20 min. Review of FY 2007-08 Community Event Funding Requests - Bob S. - 20 min.		Review Proposed Paid Time off Policy for Mgmt. Group Employees - Sandy - 30 min. Ethics Training - City Attorney - 20 min. Measure 37 Memo - Tom C. - 10 min.	
Consent Agenda				Consent Agenda	
IGA w/Clean Water Services for Fanno Creek Master Plan - Phil N. LCRB Award Contract for Right-of-Way Acquis. Svcs. for Burnham St. Improvements - Gus.				Appoint PRAB members - Dennis K. - RES Appoint Planning Commission members - Dick B. - RES LCRB - Award Water Building Renovation Contract - B. Rager Receive and File Annual Solid Waste Financial Report - Public Works Measure 37 Agreements - Tom C.	
Business Meeting				Business Meeting	
THS Student Envoy - 10 min. Formation of Sewer Reimb. Dist. No. 40 (SW Ann St.) Info. Pub. Hearing - RES - Gus D. 10 min.- PPT Annexation Policy - Tom C. - RES - 30 min. LCRB - Award Fanno Creek Park /Plaza Master Plan Contract - Phil. N. - 30 min. Amend TMC regarding Solid Waste Mgmt. Enforcement Officers - Dennis K. 10 min.-ORD Residential Zoning Dist. Regulations Amendment Legis. Public Hearing - Tom C. - 30 min.				Chamber of Commerce Rep. - 10 min. Measure 37 Hearings (3) <b>Need RTS</b> Jaywalking Ordinance - Bill D. - ORD - 10 min. Graffiti Ordinance - Bill D. - ORD - 10 min. Exec Session re Pending Litigation - Tom C. 30 min.	
Time Avail: 135 min. - Time Scheduled: 120 min. Time Left: 15 min.		Time Avail: 200 min. - Time Scheduled: 175 min. Time Left: 25 min.		Time Avail: 135 min. - Time Scheduled: 60 min. Time Left: 75 min.	

Tigard City Council Tentative Agenda 2007

<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5:	<b>April 10, 2007</b> Business/6:30 p.m. City Hall  March 27, 2007	<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5:	<b>April 17, 2007</b> Workshop/6:30 City Hall  April 3, 2007	<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5:	<b>April 24, 2007</b> Business/6:00 p.m. City Hall  April 10, 2007
Study Session		Workshop Agenda		Study Session	
Exec Session-Cable Franchise -Tom C. 30 min.		Enhanced Citizen Participation Update - Admin. - 20 mins. - SI Realignment of 175th - Tom C. - <b>Need RTS</b> State Building Values Schedule Change - Tom C. - <b>Need RTS</b> Planning Commission and Tree Board - Tom C. <b>Need RTS</b> CCDA - Downtown Urban Design - Tom C.-35 min.		Executive Session: Labor Negotiations Sandy - 25 min. Review of Proposed Revisions to City Wide Personnel Policies - Sandy - 20 min.	
Consent Agenda				Consent Agenda	
Adopt Paid Time Off - Mgmt. empl. - Sandy Z. LCRB - Award Aquifer Storage and Recovery Test Well Drilling Contract - B. Rager				Proclamation - Be Kind to Animals Week Joanne - 5 min.	
Business Meeting				Business Meeting	
THS Student Envoy - 10 min. Proc. National Community Development Week April 9-15 - Admin. 5 min. TMC Amendment regarding Cross Connection Control Program Dennis K. - 10 min. - ORD Measure 37 Hearings (3) <b>Need RTS</b> Grant Cable Franchise to Verizon - ORD - Tom C. - 30 min.				Chamber of Commerce Rep. - 10 min. 1st Qtr.Goal Update - Craig P. - 15 min.- SI Annual Volunteer Program Highlights Presentation - Bob R. - 25 min. - SI  Measure 37 Hearings (3) <b>Need RTS</b>	
Time Avail: 135 min. - Time Scheduled: 25 min. Time Left: 110 min.		Time Avail: 200 min. - Time Scheduled: 55 min. Time Left: 145 mins.		Time Avail. 135 Time Scheduled 50 min. Time Left 85 min.	

Tigard City Council Tentative Agenda 2007

<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5:	<b>May 8, 2007</b> Business/6:30 p.m. City Hall  April 24, 2007	<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5:	<b>May 15, 2007</b> Workshop/6:30 p.m. City Hall  May 1, 2007	<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5:	<b>May 22, 2007</b> Business/6:30 p.m. City Hall  May 8, 2007
Study Session		Workshop Agenda		Study Session	
		Meeting with Municipal Court Judge - Liz N. / Nadine - 30 min.- SI			
Consent Agenda				Consent Agenda	
Business Meeting				Business Meeting	
THS Student Envoy - 10 min. Youth Advisory Council - Liz -10 min. - SI				Chamber of Commerce Rep. 10 min.	
Time Avail: 135 min. - Time Scheduled: 20 min. Time Left: 115 min.		Time Avail: 200 min. - Time Scheduled: 30 min. Time Left: 170 min.		Time Avail: 135 min. - Time Scheduled: 10 min. Time Left: 125 min.	

Agenda Item #

3.3

Meeting Date

March 13, 2007

**COUNCIL AGENDA ITEM SUMMARY**

City Of Tigard, Oregon

Issue/Agenda Title IGA with Clean Water Services (CWS) Re: Downtown Fanno Creek Park Master PlanPrepared By: Phil Nachbar Dept Head Approval: TC City Mgr Approval: CP**ISSUE BEFORE THE COUNCIL**

Review and approve an Intergovernmental Agreement (IGA) with Clean Water Services in providing services for restoration of Fanno Creek and its habitat as part of the master plan process for Fanno Creek Park and Plaza in Downtown.

**STAFF RECOMMENDATION**

Approve the attached IGA with Clean Water Services.

**KEY FACTS AND INFORMATION SUMMARY**

The City of Tigard is developing a master plan for Fanno Creek Park and a public Plaza in Downtown. As part of this effort, the City is coordinating the restoration of Fanno Creek, a responsibility of Clean Water Services, through this Intergovernmental Agreement. The City is responsible for developing the master plan, and Clean Water Services is responsible for performing engineering and construction to make major improvements to Fanno Creek to help restore it to a more natural condition. The issues with Fanno Creek have to do with excessive volumes and speed of water flow which has eroded and incised the banks, and destroyed the associated riparian habitat.

As part of this agreement, CWS will provide three areas of assistance: technical information, permitting and construction as related to Fanno Creek improvements. Technical work includes: Conduct a site survey (including topographic, easements, and channel surveys) within the floodplain, a boundary survey of park expansion areas, a wetland delineation, a comprehensive habitat assessment, a geotechnical analysis within the floodplain, and water resource engineering analysis. CWS will provide all of the above information in coordination with the City's schedule to develop the master plan.

Permitting work to be performed by CWS includes securing all necessary permits from the Division of State Lands, the Corps of Engineers, NOAA-Fisheries, Oregon Department of Fish and Wildlife, Clean Water Services, and the City of Tigard. CWS anticipates that the start of improvements to Fanno Creek would start in the summer of 2008.

The City's obligations under the IGA are to: undertake the master plan including all public involvement, take actions to secure the land for the park expansion, review plans and permits as necessary and provide a park planting plan that meets CWS revegetation requirements.

**OTHER ALTERNATIVES CONSIDERED**

None identified.

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## **CITY COUNCIL GOALS**

Implementation of Downtown and "catalyst" projects are furthered by this agreement and project. A public plaza is a listed catalyst project within the Tigard Downtown Improvement Plan.

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## **ATTACHMENT LIST**

Attachment 1: Intergovernmental agreement Fanno Creek Park / Plaza Master Plan and Enhancement Project.

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## **FISCAL NOTES**

The Downtown Fanno Creek Park Master Plan is budgeted for FY 06-07 and has been proposed for funding in FY 07-08. There are adequate funds identified for this project. CWS has allocated funds for their responsibilities under this agreement.



**INTERGOVERNMENTAL AGREEMENT  
FANNO CREEK PARK/PLAZA MASTER PLAN AND ENHANCEMENT  
PROJECT**

**CLEAN WATER SERVICES AND  
CITY OF TIGARD**

This Agreement, dated \_\_\_\_\_, 2007, is between **CLEAN WATER SERVICES** (Clean Water Services) and the **CITY OF TIGARD** (Tigard).

**A. RECITALS**

WHEREAS, ORS 190.003 - 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary; and

WHEREAS, Clean Water Services and Tigard collaborate on projects that enhance riparian and floodplain ecological functions and values, pretreat and manage storm water, and allow for sanitary sewer service, in an effort to improve water quality in the Tualatin Basin; and

WHEREAS, Clean Water Services and Tigard entered into an Intergovernmental Agreement dated January 25, 2005 that articulates the procedures for working together on projects; and

WHEREAS, Clean Water Services and Tigard agree to work cooperatively on the Fanno Creek Park / Plaza Master Plan and Enhancement Project,

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

**B. PROJECT DESCRIPTION**

The Project is the Master Plan for Fanno Creek Park (Park) and an adjacent public plaza (Plaza), and the Enhancement of Fanno Creek and its related habitats. Map 1, incorporated by reference as Exhibit A, outlines the Project area including adjoining lands.

Major elements of the Project include:

1. Creation of a Master Plan for the Fanno Creek Park and a public Plaza and adjoining lands within the Downtown Urban Renewal District of Tigard. The Master Plan will include conceptual and schematic design for the approximately 22 acre Park and adjacent public Plaza. The Master Plan will provide for amenities, trails, bridges, a habitat restoration and planting plan. This element of the Project will be performed by Tigard and managed by Phil Nachbar.

2. Enhancement of Fanno Creek and its associated floodplain, and riparian habitat within the Park boundaries and expansion areas (Enhancement). Enhancement will include engineering design, permitting, and construction of improvements to Fanno Creek and its floodplain as identified above. Specific tasks shall include re-meandering and re-construction of Fanno Creek, creation and improvement of turtle habitat and wetlands, placement of boulders / wood for in-stream habitat complexity, repair of highly eroding banks to protect bridge and sanitary sewer infrastructure, and plant installation. This element of the project will be performed by Clean Water Services and managed by Kendra Smith.

### **C. CLEAN WATER SERVICES OBLIGATIONS**

Clean Water Services will manage the Enhancement in the Park and on adjoining lands to be secured by Tigard, by completing the following activities:

1. Hire consultants to perform site survey (including topographic, easements, and channel surveys) within the floodplain, a boundary survey of park expansion areas, a wetland delineation, a comprehensive habitat assessment, a geotechnical analysis within the floodplain, water resource engineering analysis, and no-rise certification for the proposed Enhancement design. Clean Water Services' consultants will develop all plans and specifications for the Enhancement in order to construct improvements.
2. Provide all technical information generated to Tigard, to assist with the Master Plan. A schedule for delivery of technical information will be developed between the project managers prior to Tigard executing a consultant agreement for development of the Master Plan for the Project, and made an addendum to this Agreement.
3. Work with regulators and secure all necessary permits for the Project from the Division of State Lands, the Corps of Engineers, NOAA-Fisheries, Oregon Department of Fish and Wildlife, Clean Water Services, and Tigard.
4. Prepare and submit to Tigard a surface water management easement over the creek and riparian areas where Enhancement will be completed.
5. Cooperate with Tigard to integrate the Enhancement designs into the Master Plan. Clean Water Services will participate in public meetings and design discussions throughout the Project planning process.
6. Provide technical assistance and support to Tigard for any wetland or floodplain mitigation required for the Master Plan. Clean Water Services will integrate the mitigation into the design of the Enhancement where possible, obtain the permits required for such mitigation, and construct the mitigation as part of the Enhancement. If mitigation beyond what is available on site is necessary, Tigard will be responsible for such mitigation.

7. Construct the Enhancement starting in the summer of 2008 through 2009. Clean Water Services will monitor and maintain the Enhancement until it meets standards for revegetation success. Clean Water Services will also be responsible for addressing any erosion or hydraulic issues that may occur during the establishment of the stream channel enhancements.
8. Communicate and coordinate with Tigard project manager on relevant aspects of the Project.

#### **D. TIGARD OBLIGATIONS**

Tigard will manage the Master Plan for the Park and Plaza and adjoining lands by completing the following activities:

1. Manage the planning process for developing the Master Plan. Tigard shall hire consultants to develop conceptual and schematic design plans for the Park including trails, bridges, and all amenities. Tigard will develop specific planting plans for the Project. Conceptual plans will be developed for the Plaza, with schematic design to follow once the site has been secured by Tigard.
2. Coordinate with and compensate Clean Water Services for site survey and geotechnical analysis needed that is not part of the Enhancement.
3. Process a surface water management easement over the Enhancement as provided by Clean Water Services. An easement is required to ensure that the Enhancement can be accessed and appropriately maintained by Clean Water Services to protect its investment.
4. Take action to secure additional lands adjoining the Park as required to implement the Project. Should lands not be available for real property acquisition, Tigard will work with Clean Water Services to secure a surface water management easement over the land needed to complete the Enhancement. Tigard shall pay for any costs associated with the easements that are requested from land owners.
5. Provide public involvement for the entire Project in the Park. Tigard will conduct all necessary public meetings for any permitting obligations. Tigard will prepare and distribute notice to park neighbors, respond to public calls regarding the Project and post signage regarding the Project along the trail routes. Tigard will close and/or manage the trail accesses for the duration of the construction of the Project to maximize the safety of citizens and staff.
6. Review the Project plans for local permitting and National Flood Insurance Program compliance. Tigard will process any necessary permits associated with achieving compliance. Tigard will facilitate permitting for the Enhancement in cooperation with Clean Water Services' timeline to the maximum extent possible.

7. Provide a Park planting plan that meets Clean Water Service's revegetation standards incorporated by reference as Exhibit B, environmental permit requirements, and be in accordance with the Master Plan.
8. Communicate and coordinate with Clean Water Services project manager on relevant aspects of the Project.

#### **E. COMPENSATION**

The Project as outlined above will be funded by Tigard and Clean Water Services for the tasks assigned. For consulting related activities that overlap between Project elements and offer cost savings to complete all at once – such as geotechnical analysis and survey, Tigard and Clean Water Services project managers will determine a cost share in writing. Costs for Project services will be tracked by each entity and shared at the end of the Project to account for the total Project costs. Compensation to either entity, if necessary, will occur upon completion of the Project.

#### **F. GENERAL TERMS**

1. Laws and Regulations. Tigard and Clean Water Services agree to abide by all applicable laws and regulations.
2. Term of this Agreement. This Agreement is effective from the date of execution by both parties and shall remain in effect until the Project is complete and the parties obligations have been fully performed.
3. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the parties shall indemnify and defend the others and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.
4. Integration. This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this Agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.

5. Attorney Fees. If any dispute arises concerning the interpretation or enforcement of this Agreement or any issues related to the U.S. Bankruptcy Code (whether or not such issues relate to the terms of this Agreement), the prevailing party in any such dispute shall be entitled to recover all of its attorney fees, paralegal fees, costs, disbursements and other expenses from the nonprevailing party, including without limitation those arising before and at any trial, arbitration, bankruptcy, or other proceeding and in any appeal.
6. Termination. This Agreement may be terminated immediately by mutual written agreement of both parties, or by either of the parties notifying the other in writing, with the termination being effective in 30 days.
7. Resolution of Disputes. If any dispute out of this Agreement cannot be resolved by the project managers from each party, the Mayor and Clean Water Service's General Manager will attempt to resolve the issue. If the Mayor and Clean Water Service's General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as otherwise provided in Oregon law.
8. Interpretation of Agreement.
  - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
  - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.
9. Severability/Survival. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
10. Approval Required. This Agreement and all amendments, modifications or waivers of any portion thereof shall not be effective until approved by 1) Clean Water Services' General Manager or the General Manager's designee and, when required by applicable Clean Water Services rules, Clean Water Services' Board of Directors and 2) the Tigard City Council.
11. Choice of Law/Venue. This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and

litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

**CLEAN WATER SERVICES**

**CITY OF TIGARD, OREGON**

By: \_\_\_\_\_  
Bill Gaff, General Manager

By: \_\_\_\_\_  
Craig Prosser, City Manager

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
Clean Water Services Counsel

\_\_\_\_\_  
TIGARD Attorney

Agenda Item #

3.4

Meeting Date

March 13, 2007

## LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Award of Contract for Right-of-Way Acquisition Services for the Burnham Street Improvement Project.

Prepared By: G. Berry Dept Head Approval: TC City Mgr Approval: CP

### ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Should City Council, acting as the Local Contract Review Board, approve a contract award to Right-of-Way Associates Inc., to provide right-of-way acquisition services for the SW Burnham Street Improvement Project?

### STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to Right-of-Way Associates Inc., to provide right-of-way acquisition services for the SW Burnham Street Improvement Project in the amount of \$104,500.

Staff further recommends authorization of an additional amount of \$10,000 to be reserved as a contingency for the project and applied as needed as the project progresses towards completion. The total amount committed to the project is therefore \$114,500.

### KEY FACTS AND INFORMATION SUMMARY

- The preliminary design for improvements to Burnham Street from Main Street to Hall Blvd. has identified 19 properties for additional right-of-way needed to widen the street.
- On June 27, 2006, City Council awarded property acquisition service contracts to Hanna, McEldowney & Assoc. and Right-of-Way Associates Inc. on an as-required basis. Right-of-Way Associates Inc. has prepared the attached proposal to provide the services required to acquire the right-of-way with a not to exceed fee of \$104,500. Contracts exceeding \$50,000 must be approved by the Local Contract Review Board.
- Award of this proposed contract would direct Right-of-Way Associates Inc. to acquire the required right-of-way as described in the proposal.
- Separate authorizations will be required for right-of-way purchases from individual property owners.

### OTHER ALTERNATIVES CONSIDERED

None.

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## **CITY COUNCIL GOALS**

The Burnham Street Improvement project contributes to the Tigard Beyond Tomorrow Transportation and Traffic goals of “Improve Traffic Safety” and “Improve Traffic Flow”. The proposed improvements will bring the street to current standards intended to improve safety and increase capacity.

Goal 2. “Continue to Support Implementation of the Downtown Plan”. The proposed improvements to Burnham Street are included in the Downtown Plan.

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## **ATTACHMENT LIST**

Attachment 1: Right-of-Way Associates Inc. Proposal

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## **FISCAL NOTES**

The Burnham Street Improvement project is funded in the FY 2006 – 07 Community Investment Program through the Gas Tax Fund in the amount of \$950,000. This amount is expected to be sufficient for the award of the proposed contract.





10186 SW Laurel Street  
Beaverton, OR 97005  
Ph 503.644.3436  
Fax 503.644.7400  
www.rowainc.com

January 11, 2007

Index #: 06-041-000

City File No.: 0353

Vannie Nguyen, P.E.  
City of Tigard - Engineering  
13125 SW Hall Boulevard  
Tigard, OR 97223

**Subject: Proposal for R/W Services for the Burnham Street Project (# 0353)**

Dear Vannie,

Right-of-Way Associates is pleased to respond to your request for a proposal to provide right-of-way acquisition services for the above referenced project.

Our understanding of the scope of work and services follows:

- Acquisition management and coordination
- Title coordination
- Coordination of appraisal services
- Acquisition negotiation
- Closing activities

A summary of estimated professional fees and direct costs is attached as Exhibit "A". The tasks required to complete the work are described on the attached Exhibit "B." The assumptions upon which the costs are based are described in Exhibit "C."

Right-of-Way Associates is prepared to provide the above referenced services based on the scope of work and noted assumptions for an amount not-to-exceed \$104,500.00. During the course of the project, itemized invoices reflecting actual labor time and costs will be submitted against this not-to-exceed amount. We will begin work immediately upon receipt of notification to proceed.

Please contact me by phone at 503-644-3436, by fax at 503-644-7400, or by mail at 10186 SW Laurel St, Beaverton, OR 97005 with your questions or concerns. My e-mail address is: [david@rowainc.com](mailto:david@rowainc.com).

Sincerely,

A handwritten signature in cursive script that reads "R. David Feinauer".

R. David Feinauer, President

**EXHIBIT "A"****Estimate of Project Costs**

<b>Personnel Costs</b>	<b>Hours</b>	<b>x</b>	<b>Rate \$</b>	<b>=</b>	<b>Cost</b>
Project Manager	41.00	x	100.00	=	\$4,100.00
Project Coordinator	196.00	x	80.00	=	\$15,680.00
Acquisition Agent	405.00	x	80.00	=	\$32,400.00
Support Staff	200.00	x	48.00	=	\$9,600.00
Clerical Staff	4.00	x	32.50	=	\$130.00
<b>Estimate of Personnel Costs</b>				<b>=</b>	<b>\$61,910.00</b>

<b>Direct Costs</b>	<b>Cost</b>
Appraisals	\$42,000.00
Mileage	\$387.20
Postage	\$178.82
<b>Estimate of Direct Costs</b>	<b>= \$42,566.02</b>

**Total Project Costs** **\$104,476.02**

**Total Project Costs (Rounded)** **\$104,500.00**

## **EXHIBIT "B"**

### **► ACQUISITION MANAGEMENT AND COORDINATION**

Provide management services by performing the following activities:

- Identify key issues
- Schedule work phases to meet deadlines
- Oversee and coordinate administration of services
- Monitor project budget
- Assure compliance with State and City standards
- Monitor negotiation progress
- Provide status reports
- Identify prospective relocation issues
- Attend Open House and project meetings
- Send Introductory letter to property owners

### **► TITLE COORDINATION**

Provide title coordination services by performing the following activities:

- Obtain property owner and tax assessor information for parcels
- Identify parcels and set up a project parcel numbering system
- Furnish property ownership data to other subcontractors as required
- Obtain and review preliminary title reports and special exceptions for the subject properties to verify interests and condition of ownership

### **► APPRAISAL COORDINATION**

- Identify and contract with an appraiser qualified to perform the necessary tasks
- Identify the appraisal problem and devise a scope of work
- Make assignments and issue notices to proceed
- Provide necessary documentation, information, and clarifications for appraiser's use
- Coordinate appraisal work to be consistent w/ project schedule and client needs
- Submit draft of the project description and impact to be used in the appraisal reports to the City for review prior to preparation of individual property appraisal reports
- Examine appraisals submitted by sub-consultants prior to submittal to client
- Process and transmit appraisal reports to City for administrative review and approval

### **► APPRAISAL SERVICES**

- Obtain complete appraisals prepared in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP), and presented in a narrative summary format which values the property rights to be purchased. Steps to be performed in this process include the following activities:
- Review title reports for the subject properties to verify interests and condition of ownership

- Provide ORS 35.346 compliance for owner contact and offer an opportunity to inspect the property with the appraiser
- Conduct property inspections and owner interviews
- Research comparable sales and other data from available sources
- Confirm sales prices and other market influences on value with owners, developers and others familiar with the market
- Estimate value for the subject properties and the rights to be taken
- Consider the impact of the acquisition as it may relate to damages to the remainder
- Examine cost to cure measures, if any, which might mitigate these damages
- Describe the findings and establish an estimate of Just Compensation for the acquisition at each property

► **REAL PROPERTY ACQUISITION**

Conduct acquisition negotiations to meet the requirements of the State of Oregon, and the City of Tigard guidelines. Steps to be undertaken include the following activities:

- Create and maintain files to preserve documents and a record of the negotiations
- Document property owner contacts as required by State law
- Prepare the appropriate documents, including incorporation of legal descriptions provided by others, proper signature blocks and acknowledgment formats
- Prepare offer letters and other communications
- Explain the offer to the owner or their representative
- Meet with the owner or owner's representative and address all issues created by the acquisition
- Coordinate efforts with legal counsel, engineering staff and owner(s); ensure a clear understanding and a workable agreement between all parties of interest
- Notarize documents when required

► **Assistance with the Condemnation Process**

When voluntary agreement is not possible to obtain, provide the following services:

- Send or deliver an irrevocable offer of purchase to the owners
- Prepare and provide necessary information relative to negotiations and the appraisals to the attorney representing the City if there is an action

► **PROPERTY ACQUISITION CLOSING ACTIVITIES**

Provide closing services by performing the following activities:

- Review and forward acquired conveyance documents to City for acceptance and recording
- Provide copy of recorded documents to property owners
- Provide duplicate parcel files to City

**EXHIBIT "C"****► TITLE ASSUMPTIONS**

- That the City will obtain and provide a preliminary title report or lot book/sort report with copies of the special exceptions ensure knowledgeable review of the condition of title and use by ROWA and the appraiser.
- That project takings will not require clearing title and obtaining partial release of mortgage and that purchases will not be closed in escrow. If determined later in the project that these services are needed, they will be added by contract amendment and at a cost to be determined later.
- That the City will provide approved document formats for use in acquiring property rights and transferring title.
- That the City will be responsible for the recording of acquisition documents and will bear all costs associated with recording activities.
- That the City will be responsible for the cost of additional title insurance if desired above the policy minimums.

**► APPRAISAL/VALUATION ASSUMPTIONS**

- That appraisals of partial takings and temporary easements from 19 properties will be required.
- That the property being purchased is to be used for a designated public project, and that the appraisal will not consider the impact of the project on the value of the property in the before condition.
- That a narrative appraisal report describing a complete appraisal, delivered in a Summary format and based on a Taking and Damages Valuation assumption will be provided to the City.
- That the acquisition is being performed without federal funds and that the appraisal will be reviewed administratively by City personnel instead of by a formal appraisal review.
- That the City may determine the need for the formal review of appraisals on a per parcel basis, and that the scope of work will be amended to include this activity later in the project as needed and at a cost to be determined at that time.
- That the appraisal costs provided in this proposal are based on assumptions which may later be found to be invalid as to the scope and extent of the appraisal problem. In the event that such a discrepancy is discovered, discussions with the City will be initiated by ROWA in order to obtain agreement and approval of any changes to the scope and/or fee for the appraisal.
- That if it is determined by the appraiser, through research and investigation of the appraisal problem, that before and after appraisal research and reports are needed at a parcel, this increase in scope will be added by contract amendment at a cost to be mutually agreed on after the new scope of the appraisal is identified.
- That any additional appraisal work outside the scope outlined in this proposal, or subsequent updates of appraisals provided under this proposal, will be provided under a separate agreement or an extension of the agreement to

provide the above services.

- That appraisal services will be subcontracted by ROWA to Arvidson & Associates on a fixed fee basis, which will be billed to the City with no service markup.
- That the acquisitions are part of a public project and appraisal services will conform to ORS 35.346 in that owners will be provided a 15 day letter as provided in the legislation.
- That any pre-trial preparation or court testimony will be provided under a separate agreement or an extension of the agreement to provide the above services.

► **NEGOTIATION ASSUMPTIONS**

- That preliminary contacts and permission to perform soil, survey and other research will not be required.
- That the City will provide legal descriptions and a clear sketch/plan showing the taking areas and construction activities to be performed.
- Unless otherwise specifically described herein, the property acquisition services do not include efforts to determine or achieve compatibility of the intended use of the property with land use laws and zoning. Therefore, activities such as obtaining land use compatibility statements, actions seeking zoning changes or modifications to urban growth boundaries, and interface with land use regulatory agencies will not be conducted.
- That the City will provide legal counsel, survey services or other required studies.
- That negotiation will take place with 19 property owners for partial fee takings and temporary easements.
- That negotiation will not be required on City of Tigard or Tigard Water District property.

► **GENERAL ASSUMPTIONS**

- That ROWA staff will be required to attend one public meeting (open house).
- That two members of the ROWA staff will attend up to 5 project meetings with City or engineering staff.
- That this cost and scope proposal will be attached and incorporated into the contract services agreement.
- That ROWA will assume responsibility for all telephone, computer and other minor and miscellaneous costs incurred by ROWA staff during the project.
- That the costs of standard and certified mailing for the project will be billed to the City.
- That mileage expenses will be charged at the current federal mileage rate during the project.
- That the costs indicated constitute a reasonable estimate of the time required to perform the work, but that this estimate is given as a total for all services, the individual parts of which may vary due to project circumstances.
- That in the interest of time, and with project manager concurrence, some preliminary work may occur in advance of issuance of the purchase order, including file set up, property trio orders for OTAK, and project meeting attendance. These activities are included in this cost proposal and began

August 7, 2006. The contract effective date should reflect the verbal authorization to provide these preliminary services.

- That our billing rates for personnel are based on the fee schedule shown following:

**Project Management and Coordination**

\$100.00/hour for project management services

\$80.00/hour for project coordination services

**Technical Services**

\$80.00/hour for appraisal management services

\$80.00/hour for acquisition agent services

**Support Services**

\$48.00/hour for support services

\$32.50/hour for office clerk services

Agenda Item #

4

Meeting Date

March 13, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Formation of Sanitary Sewer Reimbursement District No. 40 (SW Ann Street)

Prepared By: G. Berry <sup>AB</sup> Dept Head Approval: TC City Mgr Approval: cl

### ISSUE BEFORE THE COUNCIL

Shall City Council approve the formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program?

### STAFF RECOMMENDATION

Approval, by motion, of the attached resolution forming the Reimbursement District.

### KEY FACTS AND INFORMATION SUMMARY

- The proposed project would provide sewer service to nine lots along the south side of SW Ann Street.
- Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line.
- On February 22, 2007, staff held a neighborhood meeting for owners to review the project procedure, construction schedule and estimated costs. Nine people representing five owners attended the meeting and were generally supportive of the project. However, the owners were concerned about the reimbursement fee being higher than the fee for other districts. The higher fee is the result of the sewer only serving the south side of Ann Street since the lots on the north side are currently served by a sewer along their back lot line. This leaves the lots on the south side with the entire cost of the sewer instead of sharing the cost with the lots on the other side of the street.

The owners believe that there is an easement along their back lot line intended for a sewer that could serve their lots as well as the lots immediately south and fronting onto Walnut Street. This is an easement similar to the easement that serves the lots on the north side of Ann Street. The owners expected that a similar sewer would be installed in this easement with the cost of construction shared with the lots on the south side of the easement. Construction of this sewer is no longer feasible since houses and other improvements obstruct access. In addition, current City design standards prohibit back lot line sewers unless service from the street is not feasible. Since this sewer was not constructed, the lots on the south side of the easement were provided with sewer service from sewers installed in Walnut Street in 2001 through Sewer Reimbursement District No. 18.

The owners believe that the installation of sewers in Walnut Street eliminated an opportunity for cost sharing of the construction of a sewer and now request relief by reducing the reimbursement fee by one-half. Because of these



changed circumstances and reasonable reliance on being able to share the cost of sewer construction, staff recommends approval of this request. The letter informing the owners of the recommendation is attached.

- Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.
- If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.
- Another resolution to finalize the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

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#### **OTHER ALTERNATIVES CONSIDERED**

Form the District but assess the full project cost for reimbursement.

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#### **COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT**

The project is part of the Citywide Sewer Extension Program established by City Council to provide sewer service to developed but unserved residential areas in the City. It meets the Tigard Beyond Tomorrow Growth and Growth Management goal of "Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community." Sewer service enhances the environment and protects the health of the residents by providing for the closure of septic systems 40 to 50 years old.

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#### **ATTACHMENT LIST**

Attachment 1- Proposed Resolution  
Exhibit A, City Engineer's Report  
Exhibit B, Map  
Attachment 2- Vicinity Map  
Attachment 3- Notice to Owners  
Attachment 4- Mailing List  
Attachment 5- Letter to Owners  
Attachment 6- Resolution No. 01-46  
Attachment 7- Resolution No. 03-55

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#### **FISCAL NOTES**

The estimated cost of the project is \$286,709. This amount includes the estimated cost of construction plus an amount for the administration and engineering as defined in TMC 13.09.040(1).

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO.  
40 (SW ANN STREET)

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WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 40 (SW Ann Street) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 40," attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 40, SW Ann Street."

SECTION 3 Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

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**Exhibit A**  
City Engineer's Report  
**Sanitary Sewer Reimbursement District No. 40**  
**(SW Ann Street)**

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,735, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the nine lots in the following table will require the extension of an existing sewer in SW 116<sup>th</sup> Avenue south to SW Ann Street. All of the currently unserved lots along SW Ann Street from SW 116<sup>th</sup> Avenue to SW 121<sup>st</sup> Avenue will be served. The lots along the north side of SW Ann Street are currently served by a sewer along their back lot lines.

The proposed project would provide sewer service to a total of nine lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the nine lots is \$252,607. Engineering and inspection fees amount to \$34,102 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$286,709. Subject to the Incentive Program, this is the usual expected estimated amount that would be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the owners have expressed concern about the reimbursement fee being higher than the fee for other districts.

The higher fee is the result of the sewer only serving the south side of Ann Street since the lots on the north side are currently served by a sewer along their back lot line. This leaves the lots on the south side with the entire cost of the sewer instead of sharing the cost with the lots on the other side of the street. The owners believe that there is an easement along their back lot line intended for a sewer that could serve their lots as well as the lots immediately south and fronting onto Walnut Street. Although a sewer at this location does not meet City design standards, the owners expected that they would share the cost of constructing this sewer with the lots on the south side of the easement. However, these lots on the south side of the easement were provided with sewer service from sewers installed in Walnut Street in 2001 through Sewer Reimbursement District No. 18. The owners believe that the installation of sewers in Walnut Street eliminated an opportunity for cost sharing of the construction of a

sewer and now request relief by reducing the reimbursement fee by one-half. Staff recommends approval of this request. The following tables show the estimated cost to each owner with approval of the request. The estimated cost to each owner is based on spreading one half of the total estimated project cost among the owners instead of the full cost.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,735, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

#### Reimbursement Rate

All properties in the proposed district are zoned R-4.5 but vary in lot size from about twelve thousand to sixteen thousand square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

**Each property owner's estimated fair share of the public sewer line is \$1.03850159 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).**

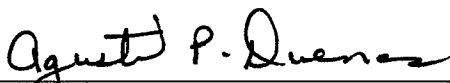
#### Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

#### Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted February 27, 2007

  
\_\_\_\_\_  
Agustin P. Duenas, P.E.  
City Engineer

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# ANN STREET Reimbursement District No. 40

*Estimated Cost to Property Owners  
February 27, 2007*

	OWNER	SITE ADDRESS	AREA (S.F.)	ESTIMATED FULL REIMBURSEMENT FEE	RECOMMENDED REDUCED REIMBURSEMENT FEE	TO BE PAID BY OWNER IF CONNECTED WITHIN 3 YEARS	TO BE PAID BY CITY IF CONNECTED WITHIN 3 YEARS	ESTIMATED REDUCED AMOUNT OVER \$15,000 THAT CAN BE DEFERRED BY OWNER IF CONNECTED WITHIN 3 YEARS
1	VANSANT, JEFFREY	12070 SW ANN ST	15600.7689243	\$32,403	\$16,201	\$6,000	\$9,000	\$1,201
2	ZARR, JAMES A AND DONA J	12010 SW ANN ST	15783.9670897	\$32,783	\$16,392	\$6,000	\$9,000	\$1,392
3	ANDERSON, EDWARD L & MARY ANNE	11950 SW ANN ST	15614.5578744	\$32,431	\$16,216	\$6,000	\$9,000	\$1,216
4	HUTCHISON, PERRY C	11890 SW ANN ST	16119.9306668	\$33,481	\$16,741	\$6,000	\$9,000	\$1,741
5	PROCTOR, TIFFANY A & PATRICK E	11830 SW ANN ST	15858.6525555	\$32,938	\$16,469	\$6,000	\$9,000	\$1,469
6	PARSONS, JOE P MARLYNN	11770 SW ANN ST	15531.5788679	\$32,259	\$16,130	\$6,000	\$9,000	\$1,130
7	POTTHOFF, ROGER & MARY	11710 SW ANN ST	15949.2526235	\$33,127	\$16,563	\$6,000	\$9,000	\$1,563
8	SPRAGUE, MICHAEL M	11650 SW ANN ST	15917.7795199	\$33,061	\$16,531	\$6,000	\$9,000	\$1,531
9	BANKS, RICHARD L	11590 SW ANN ST	11663.0718303	\$24,224	\$12,112	\$6,000	\$6,112	\$0
			<b>138040</b>	<b>\$286,709</b>	<b>\$143,354</b>	<b>\$54,000</b>	<b>\$78,112</b>	<b>\$11,242</b>

The "ESTIMATED FULL REIMBURSEMENT FEE" column shows the estimated reimbursement fee for each lot if the full cost of the project was imposed on the owners.

The "RECOMMENDED REDUCED REIMBURSEMENT FEE" column shows the recommended reduced reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first \$6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "TO BE PAID BY CITY IF CONNECTED WITHIN 3 YEARS" column shows that portion of the reimbursement fee that the owner will not be required to pay if they connect to the sewer during this three year period which is that amount of the reimbursement fee between \$6,000 and \$15,000.

This resolution also requires owners to pay any fair share amount that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus that amount of the fair share that exceeds \$15,000. This amount, based on the reduced fee, is shown in the "ESTIMATED AMOUNT OVER \$15,000 THAT CAN BE DEFERRED BY OWNER IF CONNECTED WITHIN 3 YEARS" column. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently \$2,735, at the time of connection to the sewer. Property owners are also responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

**ANN STREET**  
**Reimbursement District No. 40**

*Estimated Cost to Property Owners*

*February 27, 2007*

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<b>Estimated Construction Cost</b>	<b>\$219,658</b>
15% contingency (construction)	\$32,949
<b>Estimated construction subtotal</b>	<b>\$252,607</b>
13.5% contingency (Admin & Eng)	\$34,102
<b>total project costs</b>	<b>\$286,709</b>
total area to be served (S.F.)	138,040
	<b>\$2.07700318</b>
total recommended cost per S.F. to property owner	<b>\$1.03850159</b>



ANN STREET  
DISTRICT NO. 40  
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.

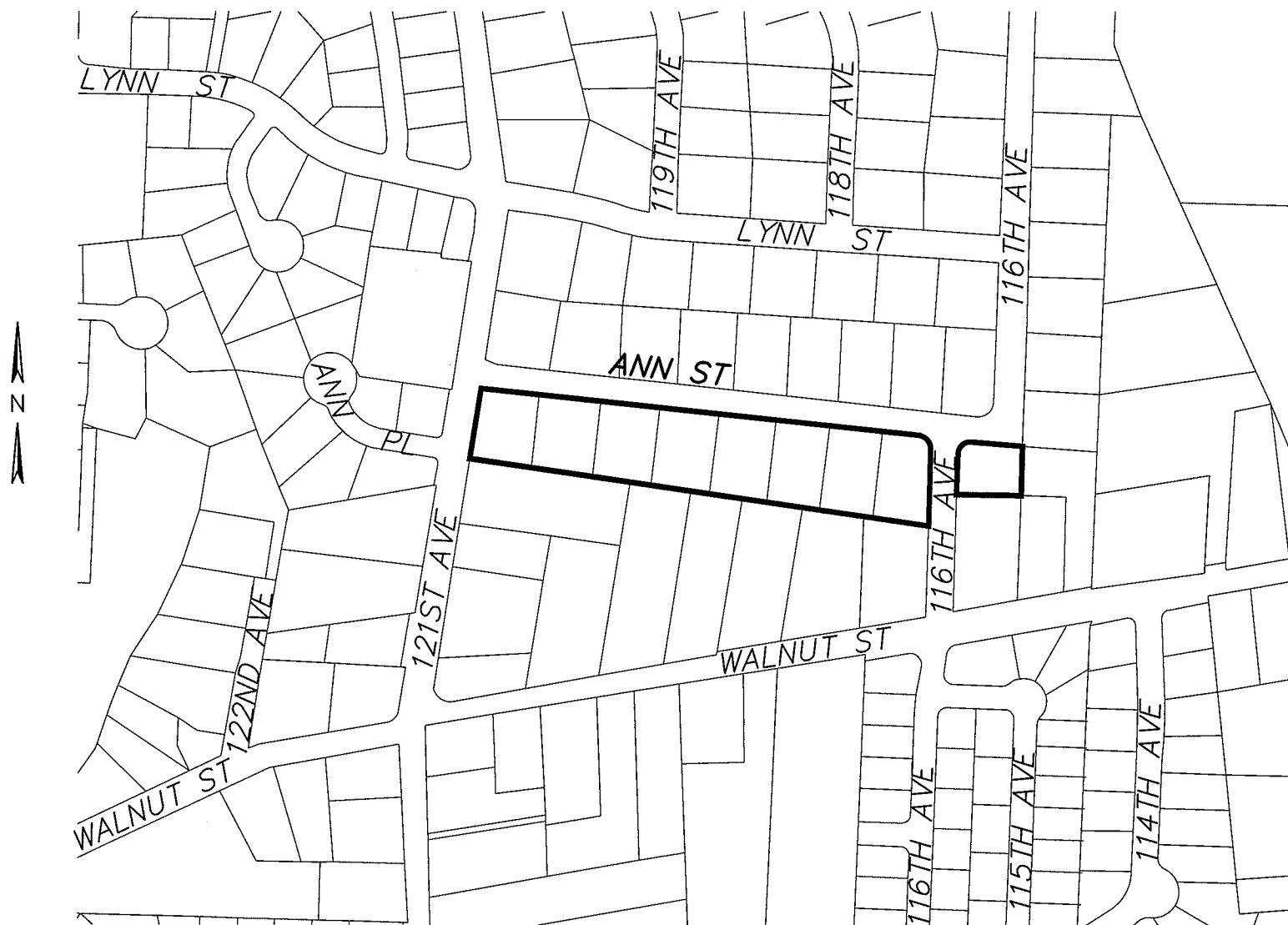


**NOTE:**

All properties in the reimbursement district are zoned R4.5

**EXHIBIT B**  
NTS

ANN STREET  
DISTRICT NO. 40  
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.



VICINITY MAP  
NTS

February 23, 2007

# NOTICE

## Informational Hearing

NOTICE IS HEREBY GIVEN  
THAT THE **TIGARD CITY COUNCIL**  
AT A MEETING ON  
**TUESDAY, March 13, 2007 AT 7:30 PM**  
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER  
**13125 SW HALL BLVD**  
TIGARD OR 97223

WILL CONSIDER THE FOLLOWING:

### **Proposed Sanitary Sewer Reimbursement District No. 40**

(SW Ann Street)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Ann Street.

*Both public oral and written testimony is invited.*

The public hearing on this matter will be conducted as required by  
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503-718-2468 or at [www.tigard-or.gov](http://www.tigard-or.gov).

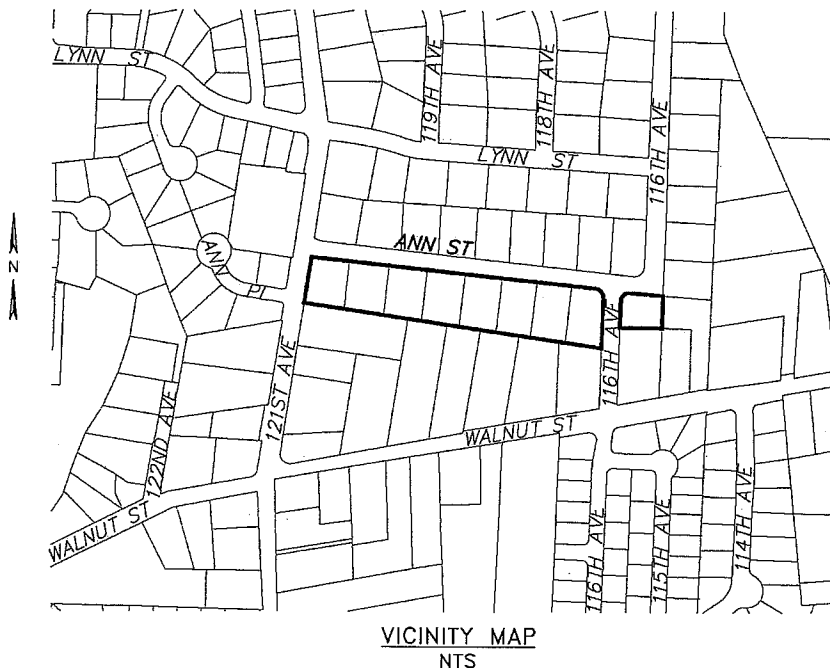
## Proposed Sanitary Sewer Reimbursement District No. 40 (SW Ann Street)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service as described during the February 22, 2007, neighborhood meeting. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share is summarized in the attached tables.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution No. 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

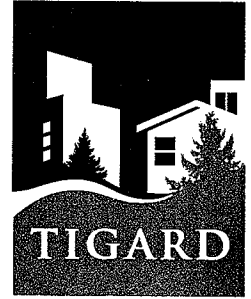
The owner would also be required to pay a connection fee, currently \$2,735, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

ANN STREET  
DISTRICT NO. 40  
FY 2006-07 SANITARY SEWER EXTENSION PROGRAM  
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.



<u>TAX ID</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIPCODE</u>
2S103BA00101	VANSANT JEFFREY	12070 SW ANN ST	TIGARD	OR	97223
2S103BA00102	ZARR JAMES A AND DONA J	12010 SW ANN ST	TIGARD	OR	97223
2S103BA00103	ANDERSON EDWARD L & MARY ANNE	PO BOX 23593	PORTLAND	OR	97281
2S103BA00104	HUTCHISON PERRY C	11890 SW ANN ST	TIGARD	OR	97223
2S103BA00105	PROCTOR TIFFANY A & PATRICK E	11830 SW ANN ST	TIGARD	OR	97223
2S103BA00106	PARSONS JOE P MARLYNN	11770 SW ANN ST	TIGARD	OR	97223
2S103BA00107	POTTHOFF ROGER & MARY	PO BOX 23968	PORTLAND	OR	97281
2S103BA00108	SPRAGUE MICHAEL M	11650 SW ANN ST	TIGARD	OR	97223
2S103BA00109	BANKS RICHARD L	11590 SW ANN ST	TIGARD	OR	97223

*City of Tigard, Oregon • 13125 SW Hall Blvd. • Tigard, OR 97223*



To: Owners in Proposed Seer District No. 40 (Ann Street)

Subject: Proposed Fee Reduction

At the February 22, 2007, Neighborhood Meeting, owners expressed concern about the high cost of the project and requested that the portion of the cost assigned to each owner be reduced by one-half. City staff will recommend that City Council approve this request following a hearing at its March 13, 2007, meeting. Public comments will be requested during the hearing as described in the notice mailed to you on February 23, 2007.

The tables of the cost to each owner have been revised to show the recommended reduced fee and are attached. These tables should replace the tables you received with the hearing notice. The "Estimated Full Reimbursement Fee" column shows the full fee as previously proposed. The "Estimated Recommended Reduced Fee" shows a fee reduced by one-half. This is the fee that Council will be requested to approve.

You will be notified of City Council's decision. In the meantime, if you have questions, please call 503-718-2468.

l:\eng\2006-2007 fy ciplann st reimbursement dist\formation\letter.doc

## CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46**A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM**

**WHEREAS**, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

**WHEREAS**, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

**WHEREAS**, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

**WHEREAS**, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

**WHEREAS**, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

**SECTION 1:** Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

**SECTION 2:** A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, whichever is later, as shown on the attached Table 1.

**SECTION 3:** To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

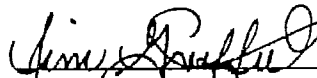
**SECTION 4:** The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

**SECTION 5:** Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

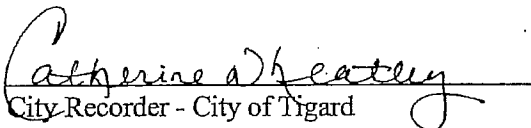
**SECTION 6:** The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

**EFFECTIVE DATE:** July 10, 2001

**PASSED:** This 10<sup>th</sup> day of July 2001.

  
\_\_\_\_\_  
Mayor - City of Tigard

**ATTEST:**

  
\_\_\_\_\_  
City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

RESOLUTION NO. 01-46



**TABLE 1**  
**Reimbursement Districts with Refunds Available**

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 <sup>TH</sup> & JOHNSON No.12	5,598	No reimbursement available	July 11,2003
100 <sup>TH</sup> & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	July 11,2003
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		Three years from service availability
WALNUT & 121 <sup>ST</sup> No.18	-	Amount to be reimbursed will be	
ROSE VISTA No.20	-	determined once final costs are determined.	

\* Currently being constructed

**CITY OF TIGARD, OREGON****RESOLUTION NO. 03- 55****A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).**

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**WHEREAS**, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

**WHEREAS**, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

**WHEREAS**, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

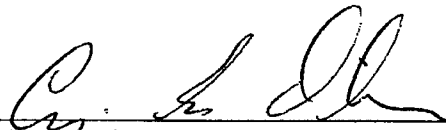
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

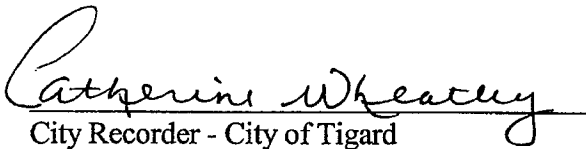
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14<sup>th</sup> day of October 2003.

  
~~Mayor - City of Tigard~~  
Craig E. Dirksen, Council President

ATTEST:

  
Catherine Wheatey  
City Recorder - City of Tigard

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Agenda Item #  
Meeting Date

5  
March 13, 2007

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Consideration of Council Resolution Setting Out Specifics of a City Annexation Policy

Prepared By: Ron Bunch Dept Head Approval: RC City Mgr Approval: CP

**ISSUE BEFORE THE COUNCIL**

Should the City Council adopt an "Annexation Policy Resolution" to guide City actions relating to annexation of territory within the Tigard Urban Services Area?

**STAFF RECOMMENDATION**

Adopt the proposed Annexation Policy Resolution.

**KEY FACTS AND INFORMATION SUMMARY**

The City Council has twice discussed this specific issue – first at a January 17, 2006 workshop and again at a February 13, 2007 business meeting. In 2006, Council determined that the City should have a neutral approach towards annexation. In other words, the City would neither promote nor discourage annexation. Instead, Council's position was that the City would receive and process annexation applications as they occurred. However, to lessen the financial burden on applicants, Council approved waiver of the annexation fee for the period July 1, 2006 to July 1, 2008.

On February 13, 2007, Council discussed a number of issues associated with annexation, including the following: a) the City / County Urban Planning Area Agreement requires annexation if new or existing development needs city services; b) there are many benefits of being in the City and on this basis the City should build positive relationships with those interested in annexation; c) the City should communicate directly to the many unincorporated property owners that have expressed interest in annexation; d) the City should work to resolve its irregular and confusing municipal boundaries; e) the City should not use methods to annex land against the wishes of property owners unless it is necessary for the community's well-being; e) the City should offer incentives to annex including waiver of annexation fees and phase-in of increased property taxes; f) each annexation should be evaluated on its own merits.

At the February 13, 2007 meeting, staff was directed to integrate Council's discussion into a resolution that spells out an approach to annexation that is more "constructively" proactive than in the past. Council also wishes to revisit the annexation policy in approximately a year's time and make changes if warranted. In response, the appended resolution (Attachment 1) is proposed.

Council is requested to note that staff has incorporated another essential point about annexation that was touched upon at the February meeting, but which has been talked about at length in different venues over the last several months. This is, "Tigard shall work with other cities, Washington County, Metro and the state to promote regional and statewide policies and actions that recognize that logical, efficient and economically sustainable urban development can best occur in existing incorporated cities." This is consistent with Council's 2007 goal to increase Tigard's involvement with other agencies and jurisdictions.

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## **OTHER ALTERNATIVES CONSIDERED**

No other alternatives were considered.

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## **CITY COUNCIL GOALS**

- Improve Council /Citizen Communications
- Increase Tigard's involvement with Washington County, Metro, State, ODOT, Tri-Met, and Federal government

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## **ATTACHMENT LIST**

Attachment 1: Proposed Tigard City Council Resolution

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## **FISCAL NOTES**

Council requested information about phasing-in of City property taxes when property is annexed. The following outlines the basics of how this can occur.

Oregon Administrative Rule (OAR) 150-222.111 provides for phasing in of property taxes and sets out the process. The City is required to notify the assessor's office that taxes are to be phased in for annexed property and of the tax ratio it wishes to be applied. The Assessor in turn establishes separate tax-codes for territory subject to "phased" property taxes. If the City wishes to phase-in the City's property tax rate over a period of time; for example three years, it would notify the Assessor that an newly annexed property shall pay an proportional increment of property taxes each year. For instance, the City could request the County levy 50% of the City's tax-rate the first year; 75% the second and 100% the third year. When cities have general obligation (GO) bond levies, as Tigard does for the new library, phased in levy taxes are calculated using the same general methodology applicable to the permanent tax rate.

The attached resolution proposes that properties which annex to the City between March 13, 2007 and February, 2008 be eligible for a three year tax phase-in. A year's time gives Council the opportunity to assess the effectiveness of the effort and make changes as part of its annual review of the City's annexation policy.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07-\_\_\_\_\_

A RESOLUTION OF THE CITY OF TIGARD ESTABLISHING POLICY TO GUIDE CITY ACTIONS PERTAINING TO ANNEXATION OF UNINCORPORATED LAND TO THE MUNICIPAL CITY LIMITS

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WHEREAS, Oregon law provides standards and procedures that permits annexation of unincorporated lands to cities and the City of Tigard has adopted, as part of its acknowledged Comprehensive Plan, guiding policies pertaining to annexation; and

WHEREAS, Washington County and the City of Tigard have, by intergovernmental agreement, mutually determined: a) the extent of an area called the Tigard Urban Services Area (TUSA) within which the City shall be the ultimate provider of urban services and, b) these lands shall be eventually part of the City of Tigard; and

WHEREAS, accessible governance and complete urban services are essential to the quality of urban life and annexation is a necessary means to: a) ensure delivery of complete urban services to the TUSA, and b) guarantee the cost of services are more equitably shared among all those that use them; and

WHEREAS, annexation is an important tool to establish and maintain regular and logical city boundaries necessary for effective planning for public facilities services; the provision of said services and timely response by law enforcement; and

WHEREAS, parts of Tigard's municipal boundary are irregular and confusing, and there exists unincorporated lands (islands) completely surrounded by the City; and this situation is incongruous with the City's responsibility to promote the effective and efficient provision of urban services; and

WHEREAS, the City of Tigard offers a wide range of benefits to its citizens including, full urban services; proximate and responsive governance and political representation; opportunities for civic participation, and quick to respond law enforcement, and consequently many property owners within the unincorporated TUSA have expressed interest in annexation; and

WHEREAS, the City wishes to promote the benefits of being part of the City and wishes to encourage voluntary annexation.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

**SECTION 1:** The City shall not resort to involuntary annexation of unincorporated land, except in cases where it is found that such action is in the overall City's interest, such as to resolve public safety and/or health issues where it is necessary to extend or provide essential City services consistent with an adopted Community

Investment Plan (CIP) or Public Facility Plan (PFP), and/or resolve incongruous municipal boundaries.

- SECTION 2:** Tigard shall work with other cities, Washington County, Metro and the state to promote regional and statewide policies and actions that recognize that logical, efficient and economically sustainable urban development can best occur in existing incorporated cities.
- SECTION 3:** The City shall proactively promote the benefits of being within the municipal City limits and invite owners of unincorporated properties to voluntarily join the City. However, each annexation shall be evaluated on its own merits to ensure it is in the City's overall interests.
- SECTION 4:** The City shall communicate with and otherwise work directly with those that express voluntary interest in annexation to facilitate the annexation process. This shall include providing incentives to annex such as the following:
- Waiver of the City annexation application fee until July 1, 2008.
  - Phasing in of increased property taxes for properties that annex during the period of March 13, 2007 to February, 2008, per Oregon Administrative Rule (OAR 150-222.111).
- SECTION 5:** In consideration that conditions and circumstances change over time, the City Council shall revisit this policy in February 2008 and make changes if warranted.
- SECTION 6:** This resolution takes is effective upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

Agenda Item #  
Meeting Date

6  
March 13, 2007

**LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/ Agenda Title Award of Downtown Fanno Creek Park / Plaza Master Plan Contract

Prepared By: Phil Nachbar Dept Head Approval: TC City Mgr Approval: cl

**ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD**

Award a contract to Walker Macy in an amount not to exceed \$205,000.00 for professional design services to prepare a master plan for Fanno Creek Park and a public Plaza in Downtown. Authorize the City Manager to execute a professional services contract with Walker Macy for design services.

**STAFF RECOMMENDATION**

Award a contract with Walker Macy as the prime consultant to develop a master plan for Downtown Fanno Creek Park and a public plaza in an amount not to exceed \$205,000.00.

**KEY FACTS AND INFORMATION SUMMARY**

In its workshop on November 21, 2006, Staff provided an overview of the Request for Proposals process for Fanno Creek Park and a public plaza in Downtown.

The Downtown Implementation Strategy adopted by Council in August 2006 identifies the development of a master plan for Fanno Creek Park and a public plaza as a key project for the fiscal year. The Tigard Downtown Improvement Plan accepted by Council in September of 2005 includes the plaza as a "catalyst" project intended to provide a central public gathering space for the community, provide a landmark and identity for the community, and help stimulate new investment in the Downtown. The park and plaza projects are both included as Urban Renewal Projects within the City Center Urban Renewal Plan adopted by Council in December 2005 and approved by voters in May 2006.

Preparing a master plan for the park and plaza will allow the City to develop a specific set of design plans for the park and plaza, prioritize improvements, identify funding needed, and evaluate the potential for development opportunities adjoining the plaza. The master plan will clarify the land area and costs needed for a public plaza. The project will develop plans to a schematic design level, meaning it will be designed so that eventual construction will be possible.

The City issued a Request for Proposals to develop a master plan in November 2006, and received ten (10) proposals. Staff sought to encourage the best design talent in the United States to bid on the project. There was strong interest in the project among design firms due to its complexity and unique design challenges. There were ten firms, with three outside of Portland, that originally submitted proposals to the City of Tigard: MIG, Inc, The Portico Group (Seattle), EDAW, Inc. (Seattle), Macleod Reckord (Seattle), Viridian, Murase Associates, Lloyd Lindley & Associates, ALTA, Greenworks, Inc., and Walker Macy.

A selection committee made up of three City staff, a representative from Clean Water Services, a member of the Planning Commission and the Chair of the City Center Advisory Commission (CCAC), evaluated the proposals and



conducted interviews of the top five (5) firms. The two citizen commission members provided input but did not have a vote in the final decision. The selection committee recommends Walker Macy to be the prime consultant for the project.

The firm demonstrated depth and experience in all areas relevant to Tigard's design challenges; ecological restoration, urban design and redevelopment, and public plazas. The firm has extensive experience in park and plaza design and has designed many key public spaces in Oregon including Riverfront Commemorative Park in Corvallis, South Waterfront Park in Portland, the recent PSU Urban Plaza in Portland, and is developing the South Waterfront Greenway Plan for Portland.

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#### OTHER ALTERNATIVES CONSIDERED

None.

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#### CITY COUNCIL GOALS

Tigard Beyond Tomorrow Vision Goals, Strategies, or Action Plan items: Goal No. 2) The downtown will provide a gathering place for the community and honor the sense of a small town/village. Strategy No. 1) Develop the gathering place identified on the Tigard Downtown Improvement Plan (TDIP). Planned Actions: Development of downtown place for events will be high priority when the Tigard Downtown Improvement Plan (TDIP) is finished.

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#### ATTACHMENT LIST

None.

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#### FISCAL NOTES

Funding for this project has been established with use of parks SDC's funds. Funding would occur through the FY 06-07 and FY 07-08 budget year. The cost of the project is approximately \$170,000.00 plus a 20% contingency. A final cost will be negotiated with the consultant pending approval by the Local Contract Review Board.

## EXHIBIT B

### APPENDIX D: Landscape Requirements (from Clean Water Services 2004 Design and Construction Standards)

#### 1.0 INTRODUCTION

##### 1.1 Jurisdiction

Clean Water Services (District) recognizes the importance of the water quality Sensitive Areas, Vegetated Corridors, and Storm Water Infrastructure that, along with the Tualatin River, fall under its jurisdiction. To improve water quality and preserve aquatic species, and meet the intent of both the federal Clean Water and the Endangered Species Acts, the District developed the following requirements for landscape management.

Most Sensitive Areas are also regulated by the Division of State Lands (DSL) and the U.S. Army Corps of Engineers (Corps). In the event of permitted mitigation, planting plans for these areas shall follow DSL and Corps guidelines and approved plans. Vegetated Corridors and Storm Water Facilities are regulated by the District and the plans and management strategies for these areas shall follow the steps outlined in this document. Alternative plans and management strategies may be approved by the District.

##### 1.2 Professional Assistance

Revegetation in Sensitive Areas, Vegetated Corridors and Storm Water Infrastructure should facilitate succession toward low maintenance native plant communities. Consultation with a professional landscape architect, ecologist, or horticulturist knowledgeable in native plants is highly recommended when preparing plans. Satisfying the landscaping requirements may require the services of a registered landscape architect. See ORS 671.310 through 671.459.

Non-native, invasive plant management and wildlife damage management strategies are provided in Clean Water Services *Integrated Vegetation and Animal Management (IVAM) Guidance*. Especially challenging management situations may require assistance from a landscape maintenance contractor or a wildlife biologist.

#### 2.0 REVEGETATION METHODS

Successful revegetation is critical to the proper function of Sensitive Areas, Vegetated Corridors and Storm Water Infrastructure for the benefit of water quality and quantity management, and aquatic species preservation. This Appendix aids professionals, the development community, and field crews in planning, designing and implementing successful revegetation projects in these areas. This document guides design decisions to promote successful planting efforts, while allowing flexibility to address opportunities and constraints at each site. When developing revegetation plans, four major components shall be addressed: hydrology, soils, plant materials, and maintenance.

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**Document the following steps in preparing the landscape plan:**

**Step 1: Assess Hydrologic and Hydraulic Conditions**

- a) Determine the frequency and duration of water inundation (including appropriate elevations) of the revegetation area. Watershed hydrology and hydraulic models for major streams are available from the District. In some cases, current site conditions (i.e. wetland presence) will suffice. For Storm Water Infrastructure, the models used to design and size the facility shall be used to determine frequency, duration and surface water elevations within the facility.
- b) Assign appropriate hydrologic zones to the revegetation area and apply them to the plan. Most project sites include one or more of the following planting zones with respect to hydrology during the growing season:
  - Wet (standing or flowing water/nearly constant saturation; anaerobic soils)
  - Moist (periodically saturated; anaerobic and/or aerobic soils)
  - Dry (infrequent inundation/saturation, if any; aerobic soils)
- c) Identify and map wet, moist and dry planting zones.

**Step 2: Assess Soil Conditions and Assign Appropriate Preparation Specifications to Plans**

- a) Determine the organic content and non-native, invasive seed bank likely in the soil. For most Storm Water Facilities, the soil is often high in clay, gravel, or minerals devoid of topsoil and organic material, and/or high in non-native, invasive weed content. The conditions in Sensitive Areas and Vegetated Corridors vary greatly.
  - b) For upland sites with at least one foot of native topsoil, but containing a non-native, invasive seed bank or plants, remove the undesirable plants, roots, and seeds (*see IVAM Guidance*) prior to planting.
  - c) For upland sites with less than one foot of topsoil and invasive, non-native seed bank or plants that have become established, remove the undesirable plants, roots, and seeds (*see IVAM Guidance*) prior to adding topsoil. The sub-grade in these areas shall be tilled to a depth of at least four inches and at least 12 inches of clean compost-amended topsoil shall be added. In the event of floodplain grading, over-excavation of the sub-grade shall occur to ensure that the 12 inches of topsoil can be applied without impacting surface water elevations. The compost-amended topsoil shall have the following characteristics to ensure a good growing medium for the selected plants:
    - Texture – material passes through one-inch screen
    - Fertility – 35% organic matter
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- d) For wet areas in Sensitive Areas and Storm Water Infrastructure, the soil conditions shall be hydric or the grading designed to hold sufficient water to promote hydric soil formation. For some bulb and tubers, the addition of organic muck soil will improve plant establishment.
- e) Where necessary for erosion control or organic matter enhancement, additional leaf compost may be placed uniformly on topsoil. (Refer to *Erosion Prevention and Sediment Control Planning and Design Manual, December 2000.*) Other amendments, conditioners, and bio-amendments may be added as needed to support the specified plants or adjust the soil pH. Traditional fertilization techniques (applying N-P-K) are not necessary when using native plants.

**Step 3: Identify Plants to be Preserved, Select Revegetation Plant Materials, Quantities, Placement and Assign Planting Zones and Specifications to Plans**

- a) Preservation: Every effort shall be made to protect a site's existing native vegetation. Native vegetation along Sensitive Areas and Vegetated Corridors shall be retained to the maximum extent practicable.
  - b) Selection: Plant selection shall be from a native species palette and shall consider site soil types, hydrologic conditions, and shade requirements. A detailed list of common native plant community types appropriate for planting Sensitive Areas, Vegetated Corridors and Storm Water Infrastructure is provided in Table 1. Upon approval from the District, limited use of non-invasive non-native plants may be permitted in highly urbanized settings such as regional town centers. Planting restrictions are limited to the following:
    - (1) Deep rooting trees and shrubs (e.g. willow) shall not be planted on top of concrete pipes, or within 10 feet of retaining walls, inlet/outlet structures or other culverts; and
    - (2) Large trees or shrubs shall not be planted on berms over four feet tall that impound water. Small trees or shrubs with fibrous root systems may be installed on berms that impound water and that are less than four feet tall.
  - c) Quantities: Trees shall be planted at 10 feet on-center; shrubs shall be planted at four feet on-center. See Table 1 for on-center requirements for herbaceous species. The following equations shall be used to calculate planting densities on a per acre basis.
    - Total number of trees per acre = area in square feet x 0.01
    - Total number of shrubs per acre = area in square feet x 0.05
    - Groundcover = plant and seed to achieve 100% areal coverage
  - d) Placement: Plant placement shall be consistent with the form of the naturally occurring plant community. Trees and shrubs shall be placed in singles or clusters of the same species to provide a natural planting scheme. The grouping size and
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plant quantity is dependant on the species being planted, their respective sizes, and on the size of the revegetation area. Overseeding of the revegetation area shall occur with native seed mixes appropriate to the plant community and hydrologic zone in which it is being applied (see Table 1: Plant Communities for Revegetation). The plant placement and seeding shall promote maximum vegetative cover to reduce the area available for weed establishment.

**Step 4: Determine Plant Installation Requirements and Assign Specifications to Plans**

- a) **Timing:** Plantings shall be installed between February 1 and May 1 or between October 1 and November 15. When plantings must be installed outside these times, additional measures may be needed to ensure survival and shall be specified on the plans.
  - b) **Erosion Control:** Grading, soil preparation, and seeding shall be performed during optimal weather conditions and at low flow levels to minimize sediment impacts. Site disturbance shall be minimized and desirable vegetation retained, where possible. Slopes shall be graded to support the establishment of vegetation. Where seeding is used for erosion control, either Regreen (or its equivalent) or sterile wheat shall be used to stabilize slopes until permanent vegetation is established. Biodegradable fabrics (coir, coconut or approved jute matting (min. 1/4" square holes)) may be used to stabilize slopes and channels. Fabrics such as burlap may also be used to hold plant plugs in place and to discourage floating upon inundation. No plastic mesh that can entangle wildlife shall be permitted. Consult Clean Water Services' *Erosion Prevention and Sediment Control Planning and Design Manual (December 2000)* for additional information.
  - c) **Mulching:** Trees, shrubs, and groundcovers planted in upland areas shall be mulched a minimum of three inches in depth and 18 inches in diameter, to retain moisture and discourage weed growth around newly installed plant material. Appropriate mulches include those made from composted bark or leaves that have not been chemically treated. The use of mulch in frequently inundated areas shall be limited, to avoid any possible water quality impacts including the leaching of tannins and nutrients, and the migration of mulch into waterways.
  - d) **Plant Protection from Wildlife:** Depending on site conditions, appropriate measures shall be taken to limit wildlife-related damage (*see IVAM Guidance*).
  - e) **Irrigation:** Unless site hydrology is currently adequate, a District/City approved irrigation system or other water practice (i.e., polymer, plus watering) shall be installed and used during the three-year plant establishment period. Watering shall be provided at a rate of at least one inch per week between June 15 and October 15.
  - f) **Access:** Maintenance access for plant maintenance shall be provided for Sensitive Areas and Vegetated Corridors via a five-foot easement or shared boundary with
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Storm Water Infrastructure. Storm Water Infrastructure access requirements are provided in Appendix B: *Water Quality and Quantity Facility Design*.

**Step 5: Determine Plant Monitoring and Maintenance Requirements**

- a) Monitoring: Site visits in the spring and fall will likely be necessary to assess the status of the plantings, irrigation, mulching, etc. and to avoid failure of revegetation effort.
- b) Weed Control: The removal of non-native, invasive weeds shall be necessary throughout the maintenance period, or until a healthy stand of desirable vegetation is established (*see IVAM Guidance*).
- c) Plant Replacement and Preservation: Installed plants that fail to meet the acceptance criteria (see Chapter 2) shall be replaced during the maintenance period. Prior to replacement, the cause of loss (wildlife damage, poor plant stock, etc.) shall be documented, corrected and the plants replaced.

**Step 6: Prepare Construction Documents and Specifications**

The construction documents and specifications shall include:

- a) Sensitive Area boundaries and Vegetated Corridor boundaries
  - b) Site Preparation plan and specifications, including limits of clearing, existing plants and trees to be preserved, and methods for removal and control of invasive, non-native species, and location and depth of topsoil and or compost to be added to revegetation area
  - c) Planting plan and specifications:
    - i. planting table that documents the common name, scientific name, distribution (zone and spacing), condition and size of plantings,
    - ii. installation methods for plant materials,
    - iii. mulching,
    - iv. plant tagging for identification,
    - v. plant protection, and
    - vi. seeding methods, rates, and areas
  - d) Irrigation plan and specifications, including identification of water source, watering timing and frequency, and maintenance of the system
  - e) Maintenance schedule; including responsible party and contact information, dates of inspection (minimum three per growing season and one prior to onset of growing season) and estimated maintenance schedule (as necessary) over the three year monitoring period
  - f) Access points for installation and maintenance including vehicle access if available
  - g) Standard drawing details (north arrow, scale bar, property boundaries, project name, drawing date, name of designer and property owner).
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**Table 1: Plant Communities for Revegetation**

Plant Communities		Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting	Minimum Plant Hr	On C
<b>Riparian Forest (RF)</b>								
Red alder ( <i>Alnus rubra</i> )	⊙	Tree	Moist	Sun	1 gal	3'	10'	
Western red cedar ( <i>Thuja plicata</i> )	⊙	Tree	Moist	Shade	2 gal	2'	10'	
Western hemlock ( <i>Tsuga heterophylla</i> )	⊙	Tree	Moist	Part	2 gal	2'	10'	
Red elderberry ( <i>Sambucus racemosa</i> )	⊙	Shrub	Moist	Part	1 gal	1.5'	4-5'	
Black twinberry ( <i>Lonicera involucrata</i> )		Shrub	Moist	Part	1 gal	1.5'	4-5'	
Highbush cranberry ( <i>Viburnum edule</i> )		Shrub	Moist	Part	1 gal	1.5'	4-5'	
Red-osier dogwood ( <i>Cornus stoniferia</i> )	⊙	Shrub	Wet	Part	1 gal	2'	4-5'	
Indian plum ( <i>Oemleris cerasiformis</i> )	⊙	Shrub	Moist	Shade	2 gal	2'	4-5'	
Swamp rose ( <i>Rosa pisocarpa</i> )		Shrub	Moist	Part	1 gal	1.5'	4-5'	
Pacific ninebark ( <i>Pysocarpus capitatus</i> )		Shrub	Moist	Shade	1 gal	2'	4-5'	
Snowberry ( <i>Symphoricarpos albus</i> )	⊙	Shrub	Dry	Part	1 gal	1.5'	4-5'	
Salmonberry ( <i>Rubus spectabilis</i> )	⊙	Shrub	Moist	Shade	1 gal	1.5'	4-5'	
Stinky currant ( <i>Ribes viscosissimum</i> )		Shrub	Moist	Part	1 gal	1.5'	4-5'	
Maidenhair fern ( <i>Adiatum pedatum</i> )		Herb	Moist	Shade	4"	na	Variable	
Lady fern ( <i>Athyrium filix-femina</i> )		Herb	Moist	Shade	1 gal	na	Variable	
Skunk cabbage ( <i>Lysichiton americaum</i> )		Herb	Wet	Shade	bulbs	na	Variable	
False lily-of-the-valley ( <i>Maianthemum dilatatum</i> )		Herb	Moist	Shade	bulbs, 4"	na	Variable	
Candy Flower ( <i>Claytonia sibirica</i> )		Herb	Moist	Shade	4"	na	Variable	
Miners Lettuce ( <i>Monita perfoliata</i> )		Herb	Moist	Shade	4"	na	Variable	
Stream violet ( <i>Viola glabella</i> )		Herb	Moist	Shade	4"	na	Variable	
Youth-on-age ( <i>Tolmiea menziesii</i> )		Herb	Moist	Shade	4"	na	Variable	
Insideout flower ( <i>Vancouveria hexandra</i> )		Herb	Moist	Shade	4"	na	Variable	
Dewey's sedge ( <i>Carex deweyana</i> )		Herb	Dry	Shade	plugs, 4"	4"	Variable	
Hair bentgrass ( <i>Agrostis scabra</i> )		Grass	Moist	Part	seed	na	2 lbs pls	
Oregon bentgrass ( <i>Agrostis oregonensis</i> )	⊙	Grass	Dry	Part	seed	na	2 lbs pls	
Tall manna-grass ( <i>Glyceria elata</i> )	⊙	Grass	Moist	Part	seed	na	8 lbs pls	

Table 1: Plant Communities for Revegetation

Plant Communities								
	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting	Minimum Plant Height	On Center / Seeding Rate	Spacing Factor
<b>Upland Forest (UF)</b>								
Red alder ( <i>Alnus rubra</i> )	⊙	Tree	Moist	Sun	1 gal	3'	10'	Single
Big leaf maple ( <i>Acer macrophyllum</i> )	⊙	Tree	Dry	Sun	2gal	3'	10'	Single
Douglas Fir ( <i>Pseudotsuga menziesii</i> )	⊙	Tree	Dry	Sun	2gal	3'	10'	Single
Grand fir ( <i>Abies grandis</i> )	⊙	Tree	Dry	Sun	2 gal	2'	10'	Single
Pacific yew ( <i>Taxus brevifolia</i> )		Tree	Moist	Shade	2 gal	2'	10'	Single
Cascara ( <i>Rhamnus purshiana</i> )		Tree	Dry	Part	2 gal	2'	10'	Single
Pacific dogwood ( <i>Cornus nuttallii</i> )		Tree	Moist	Shade	1 gal	2'	10'	Single
Bitter cherry ( <i>Prunus emarginata</i> )		Tree	Moist	Part	2 gal	2'	10'	Single
Vine Maple ( <i>Acer circinatum</i> )	⊙	Tree	Moist	Part	2 gal	2'	4-5'	Single
Oceanspray ( <i>Holodiscus discolor</i> )	⊙	Shrub	Dry	Sun	1 gal	1.5'	4-5'	Single
Red elderberry ( <i>Sambucus racemosa</i> )	⊙	Shrub	Moist	Part	1 gal	1.5'	4-5'	Single
Red flowering currant ( <i>Ribes sanguineum</i> )	⊙	Shrub	Dry	Sun	1 gal	1.5'	4-5'	Cluster
Cascade Oregon Grape ( <i>Mahonia nervosa</i> )		Shrub	Moist	Part	1 gal	4"	4-5'	Cluster
Tall Oregon Grape ( <i>Mahonia aquifolium</i> )		Shrub	Dry	Sun	1 gal	6"	4-5'	Single
Red huckleberry ( <i>Vaccinium parvifolium</i> )		Shrub	Moist	Shade	1 gal	1.5'	4-5'	Cluster
Thimbleberry ( <i>Rubus pariflorus</i> )		Shrub	Moist	Shade	1 gal	1.5'	4-5'	Cluster
Snowberry ( <i>Symphoricarpos albus</i> )	⊙	Shrub	Dry	Part	1 gal	1.5'	4-5'	Cluster
Woods Rose ( <i>Rosa woodsii</i> )	⊙	Shrub	Dry	Part	1 gal	1.5'	4-5'	Cluster
Serviceberry ( <i>Amelanchier alnifolia</i> )		Shrub	Dry	Part	2 gal	2'	4-5'	Single
Sword fern ( <i>Polystichum munitum</i> )		Shrub	Moist	Shade	2 gal	na	4-5'	Cluster
Deer fern ( <i>Blechnum spicant</i> )		Herb	Moist	Shade	1 gal	na	Variable	Cluster
Orange honeysuckle ( <i>Lonicera ciliosa</i> )		Herb	Moist	Shade	2 gal	na	Variable	Single
Salal ( <i>Gaultheria shallon</i> )		Herb	Moist	Part	1 gal	4"	Variable	Cluster
Wood strawberry ( <i>Fragaria vesca</i> )		Herb	Moist	Shade	4"	na	Variable	Cluster
Western trillium ( <i>Trillium ovatum</i> )		Herb	Moist	Shade	4"	na	Variable	Cluster
Saxifrage ( <i>Mitella</i> spp)		Herb	Moist	Shade	1 gal	na	Variable	Cluster
Red columbine ( <i>Aquilegia formosa</i> )		Herb	Dry	Part	4"	na	Variable	Cluster
Solomon's seal ( <i>Solomon smilacina</i> )		Herb	Moist	Shade	4"	na	Variable	Cluster
Native California brome ( <i>Bromus carinatus</i> )	⊙	Grass	Dry	Sun	seed	na	10 lbs pls	Mass
Blue Wildrye ( <i>Elymus glaucus</i> )	⊙	Grass	Dry	Part	seed	na	10 lbs pls	Mass



**Table 1: Plant Communities for Revegetation**

Plant Communities		Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Depth	Minimum Spacing
<b>Oak Woodland / Savanna (OW)</b>							
Oregon white oak ( <i>Quercus garryana</i> )	⊙	Tree	Dry	Sun	2 gal	2'	4'
Pacific madrone ( <i>Arbutus menziesii</i> )	⊙	Tree	Dry	Sun	2 gal	2'	4'
Snowberry ( <i>Symphoricarpos albus</i> )	⊙	Shrub	Dry	Part	1 gal	1.5'	4'
Serviceberry ( <i>Almelanchier alnifolia</i> )	⊙	Shrub	Dry	Part	1 gal	2'	4'
Oceanspray ( <i>Holodiscus discolor</i> )	⊙	Shrub	Dry	Sun	1 gal	1.5'	4'
Nootka rose ( <i>Rosa nutkana</i> )		Shrub	Moist	Sun	1 gal	1.5'	4'
Cascade Oregon grape ( <i>Mahonia nervosa</i> )		Herb	Moist	Part	1 gal	4"	Var
Blue wild-rye ( <i>Elymus glaucus</i> )	⊙	Grass	Dry	Part	seed	na	10'
Native California brome ( <i>Bromus carinatus</i> )	⊙	Grass	Dry	Sun	seed	na	10'
<b>Ash Forested Wetland (FW)</b>							
Oregon Ash ( <i>Fraxinus latifolia</i> )	⊙	Tree	Moist	Part	2 gal	3'	4'
Pacific Ninebark ( <i>Physocarpus capitatus</i> )	⊙	Shrub	Moist	Shade	2 gal	2'	4'
Red-osier dogwood ( <i>Cornus stolonifera</i> )	⊙	Shrub	Wet	Part	1 gal	2'	4'
Snowberry ( <i>Symphoricarpos albus</i> )	⊙	Shrub	Dry	Part	1gal	1.5'	4'
Slough sedge ( <i>Carex obnupta</i> )	⊙	Herb	Moist	Part	plugs	6"	Var
Corn lily ( <i>Ceratrum californicum</i> )		Herb	Wet	Shade	bulbs	na	Var
Candy flower ( <i>Claytonia sibirica</i> )		Herb	Moist	Shade	4"	na	Var
Miners lettuce ( <i>Montia perfoliata</i> )		Herb	Moist	Shade	4"	na	Var
Dewey's sedge ( <i>Carex deweyana</i> )		Herb	Dry	Shade	plugs	4"	Var
Small fruited bulrush ( <i>Scirpus microcarpus</i> )		Herb	Wet	Sun	plugs	4"	Var
Tall mannagrass ( <i>Glyceria elata</i> )	⊙	Grass	Moist	Shade	seed	na	10'

**Table 1: Plant Communities for Revegetation**

Plant Communities	Minimum Species Composition						
	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum		
<b>Shrub / Scrub Wetland (SS)</b>							
Pacific willow ( <i>Salix lasiandra</i> )	⊙	Tree	Wet	Sun	1 gal	3'	-
Sitka willow (( <i>Salix sitchensis</i> )		Tree	Moist	Sun	1 gal	3'	-
Douglas hawthorne ( <i>Crataegus douglasii</i> )		Tree	Moist	Part	2 gal	2'	-
Pacific Crabapple ( <i>Malus fusca</i> )	⊙	Tree	Moist	Part	2 gal	2'	-
Scouler willow ( <i>Salix scouleriana</i> )	⊙	Shrub	Moist	Sun	1 gal	3'	4
Red-osier dogwood ( <i>Cornus stolonifera</i> )	⊙	Shrub	Wet	Part	1 gal	2'	4
Clustered rose ( <i>Rosa pisocarpa</i> )		Shrub	Wet	Part	1 gal	1.5'	4
Douglas spirea ( <i>Spirea douglasii</i> )	⊙	Shrub	Wet	Sun	1 gal	1.5'	4
Nodding beggartick ( <i>Bidens cernua</i> )		Herb	Wet	Sun	1 gal	1.5'	Var
Spreading rush ( <i>Juncus patens</i> )		Herb	Moist	Part	plugs	6"	Var
Western manna-grass ( <i>Glyceria occidentalis</i> )	⊙	Grass	Wet	Sun	seed	na	8 lb
<b>Emergent Marsh (EM)</b>							
Nodding beggartick ( <i>Bidens cernua</i> )	⊙	Herb	Moist	Sun	1 gal	1.5'	Var
Hardstem bulrush ( <i>Scirpus accutus</i> )		Herb	Wet	Sun	plugs	1.5'	Var
Small-fruited bulrush ( <i>Scirpus microcarpus</i> )	⊙	Herb	Wet	Sun	plugs	6"	Var
Creeping spike rush ( <i>Eleocharis palustris</i> )	⊙	Herb	Wet	Sun	seed, plugs	4"	Var
Wapato ( <i>Sagittaria latifolia</i> )		Herb	Wet	Sun	bulbs	na	Var
American water plantain ( <i>Alisma plantago-aquatica</i> )		Herb	Wet	Sun	bulbs	na	Var
Soft stemmed bulrush ( <i>Scirpus taberaemontani</i> )		Herb	Wet	Sun	plugs	1.5'	Var
American brooklime ( <i>Veronica americana</i> )		Herb	Wet	Sun	plugs	na	Var
Marsh speedwell ( <i>Veronica scutellata</i> )		Herb	Wet	Sun	plugs	na	Var
American sloughgrass ( <i>Beckmannia syzigachne</i> )	⊙	Grass	Wet	Sun	seed, plugs	na	16 lb
Western manna-grass ( <i>Glyceria occidentalis</i> )	⊙	Grass	Wet	Sun	seed	na	8 lb

**Table 1: Plant Communities for Revegetation**

Plant Communities								
	Minimum Species Composition	Plant Category	Water Requirements	Light Requirements	Minimum Rooting Size	Minimum Plant Height	On Center / Seeding Rate <sup>1</sup>	Spacing Format <sup>2</sup>
<b>Storm Water Facility (SWF)</b>								
Oregon Ash ( <i>Fraxinus latifolia</i> )		Tree	Moist	Part	2 gal	3'	10'	Single
Red alder ( <i>Alnus rubra</i> )	⊙	Tree	Moist	Sun	1 gal	3'	10'	Single
Douglas Fir ( <i>Pseudotsuga menziesii</i> )	⊙	Tree	Dry	Sun	2gal	3'	10'	Single
Vine Maple ( <i>Acer circinatum</i> )	⊙	Tree	Moist	Part	2 gal	2'	4-5'	Single
Pacific willow ( <i>Salix lasiandra</i> )		Tree	Wet	Sun	1 gal	3'	10'	Single
Sitka willow ( <i>Salix sitchensis</i> )		Tree	Moist	Sun	1 gal	3'	10'	Cluster
Pacific dogwood ( <i>Cornus nuttallii</i> )		Tree	Moist	Shade	1 gal	2'	10'	Single
Bitter cherry ( <i>Prunus emarginata</i> )		Tree	Moist	Part	2 gal	2'	10'	Single
Scouler willow ( <i>Salix scouleriana</i> )		Shrub	Moist	Sun	1 gal	3'	4-5'	Cluster
Red-osier dogwood ( <i>Cornus stolonifera</i> )	⊙	Shrub	Wet	Part	1 gal	2'	4-5'	Cluster
Pacific ninebark ( <i>Pysocarpus capitatus</i> )		Shrub	Moist	Shade	1 gal	2'	4-5'	Single
Oceanspray ( <i>Holodiscus discolor</i> )	⊙	Shrub	Dry	Sun	1 gal	1.5'	4-5'	Single
Serviceberry ( <i>Amelanchier alnifolia</i> )	⊙	Shrub	Dry	Part	1 gal	2'	4-5'	Single
Nootka rose ( <i>Rosa nutkana</i> )		Shrub	Moist	Sun	1 gal	1.5'	4-5'	Cluster
Snowberry ( <i>Symphoricarpos albus</i> )	⊙	Shrub	Dry	Part	1gal	1.5'	4-5'	Cluster
Native rose ( <i>Rosa pisocarpa</i> or <i>gymnocarpa</i> )		Shrub	Wet	Part	1 gal	1.5'	4-5'	Cluster
Douglas spirea ( <i>Spirea douglasii</i> )	⊙	Shrub	Wet	Sun	1 gal	1.5'	4-5'	Cluster
Red flowering currant ( <i>Ribes sanguineum</i> )	⊙	Shrub	Dry	Sun	1 gal	1.5'	4-5'	Cluster
Nodding beggartick ( <i>Bidens cernua</i> )		Herb	Wet	Sun	1 gal	1.5'	Variable	Cluster
Spreading rush ( <i>Juncus patens</i> )		Herb	Moist	Part	plugs	6"	Variable	Mass
Small-fruited bulrush ( <i>Scirpus microcarpus</i> )		Herb	Wet	Sun	plugs	6"	Variable	Mass
Creeping spike rush ( <i>Eleocharis palustris</i> )		Herb	Wet	Sun	seed, plugs	4"	Variable	Mass
Slough sedge ( <i>Carex obnupta</i> )	⊙	Herb	Moist	Part	plugs	6"	Variable	Mass
Toad rush ( <i>Juncus bufonius</i> )*		Herb	Dry	Sun	seed, plugs	4"	Variable	Mass
Rossi Sedge ( <i>Carex rossi</i> )*		Herb	Moist	Sun	plugs	4"	Variable	Mass
NW Native Wildflower mix		Herb	Mix	Sun	seed	na	10 lbs pls	Mass
Oregon Bentgrass ( <i>Agrostis oregonensis</i> )*	⊙	Grass	Dry	Sun	seed	na	8 lbs pls	Mass
Idaho bentgrass ( <i>Agrostis idahoensis</i> )*		Grass	Dry	Sun	seed	na	8 lbs pls	Mass
Western manna-grass ( <i>Glyceria occidentalis</i> )		Grass	Wet	Sun	seed	na	8 lbs pls	Mass

<sup>1</sup> Seeding rate: pure live seed (pls) pounds per acre

Tree spacing = sq footage x 0.01; Shrub spacing = sq footage x 0.05; Groundcover = 100% areal cover.

Square footage is based on the total site or facility size.

<sup>2</sup> Single= distribute throughout planting area. Cluster = group 3 to 7 plants in same area with herb or grass in between.

Mass = plant densely to form a single stand of that species in a given area.

\* grows 5-30 cm tall



# Exhibit A



Fanno Creek Park/Plaza and Enhancement  
Map 1

The Watersheds 2000 information was obtained to assist Clean Water Services (CWS) in its planning efforts and is made available to the public with the understanding that CWS cannot accept responsibility for any errors, omissions or inaccuracies. Because natural resources are subject to continual change, the conditions in existence on one date are not necessarily the conditions that exist on any subsequent date. All users of this information should perform a separate investigation of conditions before commencing any plan, design, construction, watershed enhancement activities, or other work within or adjacent to stream corridors. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, concerning this information. CWS appreciates being notified of any errors however.



Agenda Item #  
Meeting Date

7  
March 13, 2007

**COUNCIL AGENDA ITEM SUMMARY**  
City Of Tigard, Oregon

Issue/Agenda Title Consider an Ordinance Amending the Tigard Municipal Code, Chapter 11.04.170, Regarding Solid Waste Management Enforcement

Prepared By: Dennis Koellermeier Dept Head Approval:  City Mgr Approval: CP

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**ISSUE BEFORE THE COUNCIL**

Shall City Council approve an ordinance amending the Tigard Municipal Code, Chapter 11.04.170, regarding solid waste management enforcement?

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**STAFF RECOMMENDATION**

Adopt the ordinance amending the Tigard Municipal Code, Chapter 11.04.170, regarding solid waste management enforcement.

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**KEY FACTS AND INFORMATION SUMMARY**

- The City of Tigard has two franchised solid waste haulers, Pride Disposal Company and Waste Management Incorporated. Each of these franchisees has exclusive rights to provide garbage service in specific areas of the City.
- Non-franchised haulers have been providing garbage service within the boundaries of the franchisees.
- At the February 13, 2007 meeting, the Council participated in a discussion with staff and representatives of Pride Disposal and Waste Management regarding these franchise violations.
- At the request of the City's franchisees, the proposed code revisions would give Pride Disposal and Waste Management the authority to take legal action against non-franchised haulers who operate within their boundaries.
- The revisions to the Tigard Municipal Code, Chapter 11.04.170, regarding solid waste management enforcement would:
  - Allow a franchisee to take action in Washington County Circuit Court against a non-franchised hauler who provides garbage service within the franchised area.
  - Require a non-franchised hauler who provides service within the franchised area to pay the City \$500 per violation in lieu of imposition of the civil penalty.
  - Give the City Manager the choice of addressing solid waste franchise violations through the City, or allowing the franchisee to pursue civil action.
  - Indemnify the City for any claims resulting from the franchisee's enforcement actions.
  - Waive any City liability for legal fees and other costs incurred by the franchisee while pursuing enforcement actions.
- The proposed revisions have been reviewed by the city attorney.

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#### OTHER ALTERNATIVES CONSIDERED

Though somewhat ineffective and labor intensive, the Council could continue with the existing procedure of having City staff document the violation (photos/site visits), notify the non-franchised hauler of the violation and request the drop box be removed within five days. The Council could also suggest some other means to address the issue.

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#### CITY COUNCIL GOALS

None

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#### ATTACHMENT LIST

Ordinance

Attachment 1 - Amendments to Tigard Municipal Code, Chapter 11.04.170, Enforcement Officers

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#### FISCAL NOTES

There are no direct costs associated with this code change. However, by offering solid waste franchisees a means to address violations directly, staff and city attorney time currently devoted to the issue would be greatly reduced.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE, CHAPTER 11.04.170,  
REGARDING SOLID WASTE MANAGEMENT ENFORCEMENT

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WHEREAS, the City of Tigard has two franchised solid waste haulers who have exclusive rights to provide garbage service in specific areas of the City; and

WHEREAS, non-franchised haulers have been violating these franchises by providing garbage service within the boundaries of the franchisees; and

WHEREAS, giving franchisees the authority to take legal action against non-franchised haulers who operate within their boundaries is an effective means to address franchise violations.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11.04.170 of the Tigard Municipal Code is amended as shown on Attachment 1 of this ordinance.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

## TIGARD MUNICIPAL CODE

this chapter. The rules and regulations shall be printed or typewritten, and be maintained for inspection in the office of the City Recorder. All proposed rules and regulations promulgated under the authority of this section, and all amendments thereto, shall be immediately forwarded to the franchisee operating under this chapter for response. The franchisee shall have thirty days to respond in writing to such proposed rules and regulations. If the franchisee has objections or revisions to the proposed rules, the franchisee shall meet and confer with the City Manager regarding the franchisees concerns. If the concerns are not resolved through consultation with the City Manager, then the City Manager shall forward the proposed rule, with the franchisees comments, to the City Council for its consideration. The franchisee may request that the City Council hold a public hearing on a proposed rule. The Council may approve the proposed rule as submitted, modify the rule, or reject the rule. The City Manager shall enact all rules by written order. (Ord. 03-08, Ord. 91-36 §1 Exh. A(part), 1991: Ord. 78-64 §14, 1978).

### 11.04.170 Enforcement Officers:

1. The City Manager shall enforce the provisions of this chapter, and the City's agents, including police officers and other employees so designated, may enter affected premises at reasonable times for the purpose of determining compliance with the provisions and terms of this chapter. However, no premises shall be entered without first attempting to obtain the consent of the owner or person in control of the premises if other than the owner. If consent cannot be obtained, the City representative shall secure a search warrant from the City's Municipal Court before further attempts to gain entry, and the City shall have recourse to every other remedy provided by law to secure entry. (Ord. 03-08, Ord. 91-36 §1 Exh. A(part), 1991: Ord. 78-64 §13, 1978).

2. A franchisee shall have a cause of action in Washington County Circuit Court against any person providing service in the Tigard city limits without having a franchise in violation of Section 11.04.040. The cause of action includes any appropriate relief, including injunctive relief.

a. Notice to City Manager. Before a franchisee may commence a civil action, the franchisee must provide thirty days written notice to the City Manager. The City Manager may elect either to enforce the provisions of this chapter in accordance with 11.04.170, or allow the franchisee to commence a civil action in Washington County Circuit Court against the person in violation of Section 11.04.040. If the City Manager fails to respond to the notice, the franchisee may proceed with the civil action. A franchisee may not commence a civil action if the City Manager is pursuing enforcement actions.

b. Damages. Any person providing service in the Tigard city limits without having a franchise pursuant to Section 11.04.040 will be subject to the following damages: lost customer revenue to be paid to the franchisee; unpaid franchise fees owed to the city pursuant to Section 11.04.060, which shall be paid to the City of Tigard; liquidated damages in the amount of \$500 for each violation to be paid to the City of Tigard in lieu of imposition of the civil penalty ; and any other legal remedies available. The court shall award reasonable attorney fees to the prevailing party.

c. Violations. For purposes of liquidated damages in subsection b, each incident of service provided without a franchise shall be a separate violation. Incident of service means each and every individual act of service, as defined by 11.04.030(13), performed by the violator. For example, providing service without a franchise by hauling a drop box for a



# TIGARD MUNICIPAL CODE

person on six occasions is six violations.

d. Indemnity. The City of Tigard shall have no liability for the franchisee's attorney fees and costs incurred for electing to pursue enforcement under these provisions. Any franchisee who elects to act under this provision shall indemnify the City of Tigard in the event of any claims filed against the city arising out of the franchisee's enforcement actions brought under the provisions of this chapter.

## **11.04.180     Penalty.**

Violation by any person of the provisions of this chapter, rules adopted pursuant to Section 11.04.160, or of a permit issued pursuant to Section 11.04.105, shall be deemed a Class 1 civil infraction and shall be punishable according to the provisions set forth in Chapter 1.16 of this code. (Ord. 91-36 §1 Exh. A(part), 1991: Ord. 78-64 §19, 1978).■

Agenda Item #

Meeting Date

March 13, 2007

## COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Residential Zoning Districts Use Regulations Amendment – Development Code Amendment (DCA2006-00007)

Prepared By: Cheryl Caines *CC* Dept Head Approval: *TC/jil* City Mgr Approval: *CP*

### ISSUE BEFORE THE COUNCIL

Should the Council approve a Development Code Amendment to amend the Tigard Development Code Chapter 18.510 to allow school bus parking as an accessory use on high school sites in residential zones subject to location restrictions (not within 200 feet of a property line abutting a residential use)?

### STAFF RECOMMENDATION

Staff recommends approving the requested Development Code Amendment as recommended by the Planning Commission. Approval should be of the request as amended by Staff to allow school bus parking as an accessory use and not a restricted use as proposed by the applicant.

### KEY FACTS AND INFORMATION SUMMARY

The applicant, Tigard-Tualatin School District, filed an application to amend the residential zoning code on November 22, 2006 to allow school buses to park at high school sites. The City's Development Code does not address school bus parking within residential zones and therefore is not permitted.

The District currently has two sites for bus parking, but has sold the site on Pacific Highway. The buses from this site must be relocated. The District wants to utilize an existing parking lot on the Tigard High School site to house the buses. Buses have been parked on the site in the past, but were not a permitted use.

Comments were received from one neighbor of the Tigard High School site regarding air pollution and noise. Although there is no demonstrable evidence to show how bus parking effects air pollution, idling buses may diminish air quality of the immediate surrounding area. The Oregon Department of Education has addressed this issue by recommending school districts adopt guidelines to reduce student exposure to diesel exhaust. The applicant claims parking buses on site will have no negative impact on air quality. Strong evidence to support this claim has not been provided; therefore the issue should be further addressed by the applicant during the public hearing process.

On February 5, 2007 Planning Commission held a public hearing to discuss the merits of the request. Some of the Commissioners were concerned with the parking at the Tigard High School becoming a permanent location for school buses. A motion to approve the amendment as presented failed 2-3. After re-opening the public hearing to hear more testimony, the Commission passed the motion for approval as recommended by Staff with a vote of 4-0. One Commissioner abstained from voting.

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#### OTHER ALTERNATIVES CONSIDERED

- ♦ Decrease or increase the proposed 200 foot setback from residential properties.
- ♦ Add landscape buffer requirements to reduce noise pollution to surrounding properties.
- ♦ Require the school district to adopt Oregon Department of Education (ODE) guidelines to reduce student exposure to diesel exhaust (Exhibit B).

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#### CITY COUNCIL GOALS

The 2007 City Council Goals are not impacted by this amendment.

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#### ATTACHMENT LIST

- Attachment 1: Ordinance  
Exhibit A: Recommended Text Change
- Attachment 2: "Draft" Planning Commission Meeting Minutes February 5, 2007
- Attachment 3: Staff Report to the Planning Commission dated January 24, 2007  
Exhibit B: ODE Executive Memo 66-2002-03
- Attachment 4: Applicant's Material

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#### FISCAL NOTES

There is no fiscal impact anticipated for this action. All application fees have been paid by the applicant.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.510 – RESIDENTIAL ZONING DISTRICTS, SPECIFICALLY TABLE 18.510.1, USE TABLE TO ADD FOOTNOTE 12 TO ALLOW SCHOOL BUS PARKING AS AN ACCESSORY USE ON HIGH SCHOOL SITES WITHIN ALL RESIDENTIAL ZONES.

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WHEREAS, the applicant Tigard-Tualatin School District has requested to amend Chapter (18.510 – Residential Zoning Districts) of the Tigard Development Code to allow school bus parking as a restricted use on school sites within all residential zones. This use is restricted to high school sites only and cannot be within 200 feet of a property line abutting a residential use; and

WHEREAS, staff proposed a modification to allow bus parking as an accessory use and not as a restricted use; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public hearing on February 5, 2007, and recommended approval of the proposed amendment with a 4-0 vote;

WHEREAS, notice of the public hearings was published in the Tigard Times and the Oregonian Newspapers at least 10 business days prior to the public hearings; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.380, 18.390, 18.510, and 18.745; Comprehensive Plan Policies 1, 2, 4, 6, 7, and 12; The Metro Urban Growth Management Plan Titles 1, 8, and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, 5, 6, 10, 11, and 12; and

WHEREAS, the Tigard City Council held a public hearing on March 13, 2007, to consider the proposed amendments; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "**EXHIBIT A**" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Craig Dirksen, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

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**DCA2006-00007**  
**RESIDENTIAL ZONING DISTRICTS USE REGULATIONS AMENDMENT**  
**December, 2006**

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**Explanation of Formatting**

These text amendments employ the following formatting:

**[Bold, Underline and Italic]** – Text to be added

Proposed code language is as follows:

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**TABLE 18.51O.1**  
**USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Schools	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>	<u>C<sup>12</sup></u>

*<sup>12</sup>School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes.*

**DRAFT**

**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
February 5, 2007**

**DRAFT****1. CALL TO ORDER**

President Inman called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**2. ROLL CALL**

Commissioners Present: President Inman; Commissioners Anderson, Caffall, Doherty, and Walsh.

Commissioners Absent: Commissioner Vermilyea

Staff Present: Dick Bewersdorff, Planning Manager; Gary Pagenstecher, Associate Planner; Cheryl Caines, Assistant Planner; Kim McMillan, Development Review Engineer; Jerree Lewis, Planning Commission Secretary

**3. PLANNING COMMISSION COMMUNICATIONS AND COMMITTEE REPORTS**

None

**4. APPROVE MEETING MINUTES**

None

**5. PUBLIC HEARINGS****5.1 DEVELOPMENT CODE AMENDMENT (DCA) 2006-00007  
RESIDENTIAL ZONING DISTRICTS USE REGULATIONS  
AMENDMENT**

**REQUEST:** A Zone Ordinance Amendment to amend the Residential Zoning Districts Chapter (18.510) of the Tigard Development Code. The proposed amendment would allow school bus parking as a restricted use on school sites within all residential zones. This use is restricted to high school sites only and cannot be within 200 feet of a property line abutting a residential use. **LOCATION:** Citywide. **ZONE:** All Residential Zones.

**APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380, 18.390, 18.510, and 18.745; Comprehensive Plan Policies 1, 2, 4, 6, 7, and 12; The Metro

Urban Growth Management Plan Titles 1, 8, and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, 5, 6, 10, 11 and 12.

## **STAFF REPORT**

Cheryl Caines summarized the staff report. She advised that the applicant is requesting to amend the use regulations within residential zoning districts to allow bus parking as a restricted use on high school sites. The Development Code does not address this issue and therefore the use is not permitted in the zone.

The proposed code language describes the circumstances under which bus parking is allowed - high school sites, not within 200 feet of a property with residential use. Staff is proposing one slight modification to call out bus parking as an accessory use and not a restricted use. Bus parking is not being proposed as a separate use classification. The placement of an "R" within the use table by the school use makes it seem that schools are a restricted use. That is not the purpose of this amendment.

The only site currently affected by this change is Tigard High School. Any future proposed high school would be allowed to include this as an accessory use if the code is revised.

The current bus storage facility on Pacific Hwy. has been sold. The District must find a new location for their buses.

This application is only to amend the code. The buses will be parked in the NE corner, adjacent to sites zoned Industrial Park and developed with commercial buildings. Buses were previously parked in this location, but it was not a permitted use. Residential uses to the north and west are separated by streets. Homes within the Waverly Estates subdivision are adjacent to the site's southern boundary, but are approximately 800 feet from the proposed parking location.

During the review process, concerns over diesel fumes and noise were raised by a property owner to the south of the school site. No strong evidence was provided to prove or disprove that the buses will have effects on air quality. Staff searched the internet and found an Oregon Department of Education memo addressing the issue of diesel exhaust and presents guidelines to school districts to reduce student exposure. At this time, it's unknown what regulations, if any, the Tigard-Tualatin School District has adopted. Staff has recommended that the applicant further address this issue during the hearing.

Staff advised that there is no limit on the number of school buses that can be parked at the High School. The Planning Commission can choose to include this in the code language.

## **APPLICANT'S PRESENTATION**



Roy Burling, CFO, Tigard-Tualatin School District; Judy Frieze, Director of Transportation; Ed Murphy from Parati, 20085 NW Tanasbourne Dr., Hillsboro, OR 97124; and Randy Harvey, Director of Operations for TTSD, provided details of the request. Currently, buses are parked at the old administration site on Hwy. 99W. Previous to that, they were parked at Tigard High School. The School District is in the process of selling the old administration site and First Student, the contract provider, has been asked to find a parcel of land to accommodate their large buses. The District will park 17 buses at the High School. If First Student can find a parcel large enough to accommodate all the buses, the District would be open to that arrangement.

The District considered improving the bus yard on Hall Blvd., but found that there were issues with wetlands and the site was constrained. It was too expensive to develop the site to add the number of spaces they needed.

The District plans to park only the short buses behind the Swim Center. Regarding noise and traffic, the buses are dispatched in a staggered manner – they don't all leave at the same time. They expect a minimal impact on Durham Road.

In terms of air quality issues, the District has informally adopted the guidelines as written by the Department of Education. They made a commitment to take the guidelines to the Board to be formally adopted. In terms of mitigating pollution and diesel effects, the buses are regularly maintained and tuned up. In addition, the fleet is kept current so they meet the most current clean air standards.

The Planning Commission expressed concern about creating noise in neighborhood. Another concern is about runoff of grease, oil, and fuel into the groundwater and storm water. The applicant said they would try to comply with Clean Water regulations. With the current remodel of Tigard High School, one of the conditions was to provide monitoring of the storm water system. The District has entered into a contract for that service. They are sensitive to environmental concerns.

Regarding traffic, the Commission asked if it would be difficult to get out onto Durham Road and asked if any traffic counts or analysis had been done. The applicant advised that this application is only a legislative change/text amendment to allow buses to park on the High School site. The main condition is to keep it back 200' from any residentially zoned property. If paving for additional parking becomes necessary, it would automatically kick in a site development review which would then require a traffic study. Buses leaving the site are staggered over an hour and a half.

The applicant advised that only TTSD school buses would be stored at this limited space.

The applicant was asked if they have drawn up any plans to comply with air and water quality standards. They said they would ask the School Board to formally adopt the Oregon Department of Education guidelines. They are willing to comply with any other necessary

guidelines. Over time, as older buses are replaced, they will all meet 2007 air quality standards.

Staff advised that this legislative amendment applies to the entire parcel, but buses could not be parked within 200' of residential use. There will be another review when the District modifies the access and moves the parking on site. At that point, water quality measures, parking, and maneuvering on site will be reviewed.

The applicant advised that bus drivers will park their personal cars at the pool and High School parking areas. There will be fencing around the buses. They have not yet decided what to do with existing portables on the site.

### **PUBLIC TESTIMONY – IN FAVOR**

None

### **PUBLIC TESTIMONY – IN OPPOSITION**

Malcolm Pennington, 16653 SW 88<sup>th</sup> Place, Tigard, OR 97224 expressed his opposition to the proposed amendment. He is concerned about health effects from diesel exhaust on students, the fact that there is no restriction on the number of buses, and noise. He believes the contractor should find their own parking location, possibly in an industrial area. He submitted written testimony (Exhibit A).

The Commission asked staff what would happen if the Commission decided not to move forward with the request. Staff answered that the Commission has 3 options: recommend the amendment as written; put further restrictions on the footnote; or recommend denial. All recommendations would go to City Council for a second public hearing.

### **APPLICANT'S REBUTTAL**

The applicant reiterated that this is just a legislative change for school bus parking, not within 200' of residential properties. The text amendment will provide greater flexibility in the future. It's meant as a temporary stop-gap approach, but may become long term. Other buses won't be parking there.

The District wouldn't be able to add more buses; pre-trips are done in 15 minutes (they don't idle the whole time); and there's already a catch basin with a fuel separator on site. The applicant advised that the buses will be parked adjacent to the soccer field. The field is not used in the early morning and in the afternoon, buses come in are shut down immediately.

### **PUBLIC HEARING CLOSED**

The Commission discussed the application. Some of the Commissioners were concerned about this becoming a permanent location for the school buses. They would rather see this as a temporary use, maybe for 2 years. After that time, it could be reevaluated. They do not want it to be open-ended.

Staff advised that there is a temporary use section in the Development Code. Staff could go back and redraft language for that section to allow bus barn parking on school property as a temporary use. If it were allowed as a temporary use, the district could come back multiple times to request a temporary use permit. If the Commissioners would like the amendment redrafted as temporary use, they would have to recommend denial to City Council. In the recommendation, the Commission could propose that it be redrafted as a temporary use.

Commissioner Walsh moved to recommend approval as presented. President Inman seconded the motion. The motion failed by a vote of 2-3. Commissioner Walsh and President Inman voted in favor; Commissioners Caffall, Doherty, and Anderson voted against.

After discussion about other possible options, the Planning Commission decided to re-open the public hearing to hear more testimony.

## **PUBLIC HEARING RE-OPENED**

Kelly Hossaini, from Miller-Nash, advised that there is limited area for bus parking; if the District wants to do anything more, they would have to apply to the City. They have a storm water system already in place, they're not near any residences, and the buses comply with air standards. This legislative amendment gives them flexibility to park their buses, but it's not optimum for long term use. If the Commission wants the District to meet other standards, they will have to be very specific what those standards are.

Randy Harvey, TTSD Director of Operations, testified that this particular site was previously used for parking short buses and they had no problems. They won't take away any more space than they absolutely have to. The solution may not be temporary; it may be long term. They believe the request is reasonable and they meet all the requirements that have been raised in terms of health and safety.

Malcolm Pennington said short term parking probably won't have long term effects, but over the long term, it could be a concern. He believes that, from an air standard quality, it's an issue for kids. He urged the Commission to consider allowing it only on a short term basis.

Commissioner Walsh moved for approval as presented. President Inman seconded the motion. The motion passed with a vote of 4-0; Commissioner Caffall abstained.

## **5.2 SUBDIVISION (SUB) 2006-00008/PLANNED DEVELOPMENT REVIEW (PDR) 2006-00001/ZONE CHANGE (ZON) 2006-00001/SENSITIVE LANDS**

**REVIEW (SLR) 2006-00010/ADJUSTMENT (VAR) 2006-00080 ANNAND  
HILL SUBDIVISION**

**REQUEST:** Approval of a 40-lot Subdivision and Planned Development on 4.53 acres. The lots are proposed to be developed with detached single-family homes. Lot sizes within the development are proposed to be between 2,788 and 5,377 square feet. A Zone Change is required to apply the PD Overlay over a portion of the site (Tax Map 2S110AD, 8800), and Sensitive Lands Review is required for slopes greater than 25%. The applicant is also seeking a street improvement Adjustment for the proposed cul-de-sac from the maximum of 20 lots served to 34 lots, and to the 200 foot length. **LOCATION:** The project is located at 14600 SW Pacific Highway; WCTM 2S110AC, Tax Lot 00200 and 2S110AD, Tax Lot 08800. **COMPREHENSIVE PLAN DESIGNATION:** Medium-Density Residential District. **ZONE:** R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally **AND R-12 (PD):** PD: Planned Development. The purposes of the PD Overlay zone are to provide a means for creating planned environments through the application of flexible standards which allow for the application of new techniques and new technology in community development which will result in a superior living arrangement; to facilitate the efficient use of land; and to preserve to the greatest extent possible, the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site, among other purposes. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.350, 18.360, 18.370, 18.390, 18.510, 18.705, 18.715, 18.720, 18.725, 18.745, 18.765, 18.775, 18.780, 18.790, 18.795 and 18.810.

Commissioners Anderson and Walsh reported site visits.

**STAFF REPORT**

Gary Pagenstecher presented the staff report. He advised that this application would be reviewed under the old Planned Development standards. The application is for a 40-lot residential subdivision and planned development on 4.53 acres. The zone change is requested to apply the PD overlay on Tax Lot 8800 and a sensitive lands review is required for slopes greater than 25%. There is also a street improvement adjustment for the proposed cul-de-sac from the maximum 20 homes served to 34, and an adjustment to the minimum residential density requirement from 43 units to 40.

Most base zone development standards are met with some exceptions:

- Front yard perimeter setbacks (from 15' to 6')
- Street side yard for lots 1, 29, and 40 (from 10' to 8')

Staff recommends approval of the proposal with the conditions of approval listed in the staff report.

## APPLICANT'S PRESENTATION

Matt Sprague and Ben Altman, SFA Design Group, 9020 SW Washington Square Dr., Suite 350, Portland, OR 97223, described their project to the Planning Commission. They testified that this is a hilltop site with trees, sandwiched between apartments, and next to an old cemetery. They plan to build single-family detached homes. The development comes in at minimum density, rather than the maximum. Having narrow streets allows them to protect trees. They will be preserving 56 trees on site and will mitigate for those trees being removed. The only public access will be from 109<sup>th</sup>. They will be extending a public cul-de-sac. There will be open space tracts to preserve trees and a variety of lot sizes that adapt to the topography.

The applicant is requesting 3 adjustments:

1. The cul-de-sac will accommodate 34 homes.
2. There is a minor adjustment to the minimum density (40 instead of 43 homes).
3. Front yard setbacks will be reduced from 15' to 10'; street side setbacks will be reduced from 10' to 8'; and side yard setbacks will be reduced from 5' to 4'. Rear yard setbacks will be 15'.

They agree with the conditions of approval as shown in the staff report.

The Planning Commission discussed details of the planned development with the applicant. They asked about concerns raised by TVF&R. The applicant advised the hammerhead at end of long drive has a turn around that exceeds TVF&R's requirements. Staff also advised that TVF&R requires all the units to be sprinkled because there is only one access to the development. The applicant noted that the streets will be wider than most private streets to allow for parking on one side of the street.

The applicant advised that people attending the neighborhood meeting liked the single-family development rather than multi-family. They had some initial concerns about street circulation and trees, but the applicant answered their questions.

The Commissioners asked specifically how the trees would be protected during development. The applicant advised they would be fenced. Staff noted that it's typical for developers to use orange mesh for fencing which can easily be moved. Chain link fencing could also be used.

The Commission noted that there is only one option for access and it's not really set up for a public street circulation system. The applicant was asked if they had looked at other alternatives. The applicant said they thought about public streets, but that required some of the lots to face in other directions. In addition, the other options would eliminate more trees.

The Commission noted that there are extra deep walkways and wondered why there aren't planter strips. The applicant said it's not a requirement of a planned development under the old code. They want to leave something for the architects and builders to decide what they want to place on the lots. It was advised that street trees are required.

President Inman asked about the lack of landscape strips in lots 7-11 and 21-25. The plan shows street trees behind the sidewalk, but with only 6' to the front porch setback, it's unlikely that someone will plant a substantial tree there. The applicant said they would not be averse to including planter strips from lots 8-11 and 21-23.

John Annand, one of the property owners involved, testified that he's not sure what the prices will be for the homes, but envisions 2-story homes about 2400 square feet in size. The applicant noted that some lots will be larger to allow for play and some lots will have limited yard area. The open space tracts will primarily be planted with native vegetation. President Inman would like to see a soft pathway and benches in the open space tracts.

## **PUBLIC TESTIMONY**

None

## **PUBLIC HEARING CLOSED**

With regard to the request for reduced side yard setbacks, staff advised that the Planned Development Code doesn't address street side yard setbacks specifically. The applicant is requesting 8' setbacks, which is 2' less than what is required. The Variance chapter of the Development Code allows up to a 20% reduction on certain setbacks, but not for street side yard setbacks. The applicant could have requested a variance, but they didn't. The Commission could add a condition that would require that, prior to issuance of building permits, the applicant provide a site plan that shows the street side yard as met at 10'.

The applicant disagreed, saying that the intent of the code isn't to limit the side yard to an interior yard between 2 walls. The intent is to allow flexibility to the setbacks for the base zoning district for which they are applying the planned unit development. The intent is to allow the flexibility to permit, through the PD process, an 8' street side yard setback. A street side yard setback is still a side yard setback. They believe the Planning Commission has the authority to approve it without a variance. Commissioner Walsh noted that under the new code, the intent is to provide flexibility for the Planning Commission.

Staff advised that the Planning Commission could require the applicant to come back for street side yard variances or they could indicate that there is flexibility in the code to allow for street side yard setbacks to be adjusted.

President Inman moved to approve Subdivision (SUB) 2006-00008/Planned Development Review (PDR) 2006-00001/Zone Change (ZON) 2006-00001/Sensitive Lands Review (SLR)

2006-00010/Adjustment (VAR) 2006-00080 / Adjustment (VAR) 2007-00001 Annand Hill with the staff report as presented, the conditions, and some additional conditions,

1. add a minimum 4' planter strip in front of lots 8 through 11 and 21 through 23;
2. provide a landscape plan demonstrating a soft pathway connecting Tract A through Tract E with passive recreation and seating;
3. use a 6' chain link fence for tree protection,

including and taking into account all testimony and deliberations heard tonight. Commissioner Walsh seconded the motion. The motion passed unanimously.

## **6. OTHER BUSINESS**

None

## **7. ADJOURNMENT**

The meeting adjourned at 10:17 p.m.

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Jerree Lewis, Planning Commission Secretary

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ATTEST: President Jodie Inman

A

File No: Development Code Amendment (DCA) 2006-00007  
File Title: Residential Zoning Districts Use Regulations Amendment

To whom it may concern:

I am a resident of the City of Tigard and live in close proximity to the Tigard High School site proposed for bus parking. My first concern is that this ordinance (if I understand it correctly) would create industrial use of what is now zoned for residential use by making it a parking and dispatch location for up to 30 class 6 diesel vehicles. I have received conflicting information from the City and the School District as to what is being requested by the School District. The City states that the District's request would place up to 30 diesel buses (both large and small, both district owned and contractor owned) at Tigard High School, amongst almost 2,000 children (1930 students per the district's web site) and the residences surrounding the High School, potentially on a permanent basis. The District states that there would only be 13 small district owned buses placed at the High School on a temporary basis. I believe there are important distinctions between these two positions.

My second concern has to do with the long term health risks of diesel exhaust and it's affect on children. Diesel exhaust contains particulate matter, black carbon, sulfur dioxides, nitrogen oxides and more than 40 chemicals that are classified as "hazardous air pollutants" under the Clean Air Act. Diesel vehicles make up only 2 percent of vehicles in the United States, but they are responsible for more than 60 percent of all particulates and nearly half of all nitrogen oxides.

Diesel engines emit significant quantities of particulate matter (PM2.5). These fine particles penetrate deep into the lungs contributing to persistent human health problems such as asthma attacks, reduced lung function, lung disease and even premature death. Fourteen of the 40 toxins in diesel exhaust are known to cause cancer and contribute to cardiopulmonary disease. Other health effects are also troubling, though harder to quantify. The particles in diesel exhaust impair the lungs and aggravate diseases like emphysema and bronchitis; they can also worsen -- or trigger -- asthma attacks. What's more, children are more susceptible than adults to these effects -- they breathe faster and their lungs are less able to defend themselves from pollutants. In addition, exposures early in life can return to haunt them as they age, in the form of chronic health problems.

Government regulators estimate, based on lifetime risks, that diesel exhaust is responsible to date, for 125,000 cancers nationwide. Since children often are exposed to diesel exhaust when they ride buses to school every day for many years, their exposure adds up -- which translates into an unacceptably high risk of getting cancer later in life. Out of every million children that ride a school bus an hour or two each day during the school year, 23 to 46 of them may eventually develop cancer from the excess diesel exhaust they inhale on their way to and from school. A school bus will run it's engine at least 30 minutes before each route during its pre-trip inspection and warm up period (typically 3 times or more a day), or at least one and a half hours a day exposing students to these harmful particulates and gases.

Do we really want to risk our citizen's health, and especially the health of our most vulnerable citizens, our children by making the High School a bus parking/dispatch yard? I think not. Therefore I would recommend we only allow our 13 small school buses to park on a specified temporary basis at Tigard High School. The district's contractor can and should find its own facility in a properly zoned area.

Sincerely,



Malcolm B. Pennington  
16653 SW 88<sup>th</sup> Place  
Tigard, OR 97224-5443  
(503) 624-1106



Agenda Item: 5.1

Hearing Date: February 5, 2007 Time: 7:00 PM

**STAFF REPORT TO THE  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**

**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** CODE AMENDMENT TO ALLOW BUS PARKING WITHIN RESIDENTIAL ZONES ON HIGH SCHOOL SITES

**CASE NO.:** Development Code Amendment (DCA) DCA2006-00007

**PROPOSAL:** To amend Chapter (18.510 – Residential Zoning Districts) of the Tigard Development Code to allow school bus parking as a restricted use on school sites within all residential zones. This use is restricted to high school sites only and cannot be within 200 feet of a property line abutting a residential use.

**APPLICANT:** Tigard-Tualatin School District  
6960 SW Sandburg St.  
Tigard, OR 97223

**APPLICANT'S REP.:** Parati  
Attn: Ed Murphy  
20085 NW Tanasbourne Dr.  
Hillsboro, OR 97124

**ZONE:** N/A.

**LOCATION:** Residential Zones.

**APPLICABLE  
REVIEW**

**CRITERIA:** Community Development Code Chapters 18.380, 18.390, 18.510, and 18.745; Comprehensive Plan Policies 1, 2, 4, 6, 7, and 12; The Metro Urban Growth Management Plan Titles 1, 8, and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, 5, 6, 10, 11, and 12.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor to amend the Residential Zoning District regulations as proposed by the applicant, with any alterations as determined through the public hearing process and make a final recommendation to the Tigard City Council.

### **SECTION III. BACKGROUND INFORMATION**

The proposal is to amend the residential zoning districts code to allow bus parking as an accessory use at high school sites. Currently there is only one high school facility in the City of Tigard (Tigard High School). Any future development of a high school facility will be able to include this use if the proposed amendment is approved.

The school district has sold one of the site's it currently uses for bus storage along Pacific Highway and now seeks to re-locate these buses to the High School site. Buses have been stored on the school site in the past, but were moved to make room for modular buildings and the school remodeling project. The future proposed location of the bus storage is an existing parking lot near the NE corner of the site. The location is not adjacent to residential properties.

The City's residential zoning districts code does not address bus parking on school sites and is therefore not allowed. This proposed use would be accessory to the primary use - schools. Non-accessory parking is not allowed within most residential zones, but is allowed as a conditional use within the higher density zones (R-12, R-25 and R-40). One of the restrictions for residential zones is to only allow park-and-ride or other transit related facilities.

### **SECTION IV. SUMMARY OF APPLICABLE CRITERIA**

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

- ♦ The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

Forty-five day advance notice was provided to DLCD on December 18, 2006, 49 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following are the applicable Statewide Planning Goals that are applicable to this proposal:

#### **Statewide Planning Goal 1 – Citizen Involvement:**

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times Newspaper prior to the public hearing. In addition a notice was mailed to all property owners within 500 feet of the Tigard High School site because it is the only parcel currently affected by the proposed amendment.

#### **Statewide Planning Goal 2 – Land Use Planning:**

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

## **Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources**

This goal outlines the protection of natural resources and conservation of scenic, historic and open spaces. This goal does not apply to the one site affected by the amendment because there are no open spaces, historic areas or natural resource areas on the site. If the bus parking use were proposed in or adjacent to these areas, then the regulations outlined in the Development Code for protection of these areas would apply. These chapters include but are not limited to 18.740 Historic Overlay and 18.775 Sensitive Lands.

## **Statewide Planning Goal 6 – Air, Water and Land Resources Quality**

This goal presents guidelines on how to maintain and improve the quality of the air, water and land resources of the state. Although there is no demonstrable evidence to show bus parking effects air pollution, idling buses may diminish air quality of the immediate surrounding area. The Oregon Department of Education has addressed this issue by recommending school districts adopt guidelines to reduce student exposure to diesel exhaust. The applicant has not submitted any evidence to support its claims that buses parked at the high school will not increase the impacts to air quality. If the buses are parked on school sites, then other land can be left vacant or developed with other uses. The only high school site located within the City of Tigard is not adjacent to any water resources.

## **Statewide Planning Goal 10 – Housing**

This goal outlines provisions to insure state housing needs are met. The Tigard Development Code allows schools within residential zones as a conditional use, which is consistent with the Comprehensive Plan. The bus parking will only be allowed on sites approved for school uses. To ensure minimal effect upon surrounding residential uses, the bus parking is proposed to be 200 feet from any abutting property line with a residential use.

## **Statewide Planning Goal 11 – Public Facilities and Services**

Goal 11 outlines the need to plan and develop an arrangement of public facilities and services which will serve as a framework for urban and rural development. This code change only allows bus parking on approved high school sites. Schools are considered part of a community's necessary public facilities. Allowing bus parking on the school site will enhance efficiency of this public facility by not requiring the district to purchase additional land and operate an off-site facility.

## **Statewide Planning Goal 12 – Transportation**

This goal outlines how to provide and encourage a safe, convenient and economic transportation system. School buses are not included within the transportation systems to be provided by the City, but will operate by utilizing the street system planned and provided by the City. Transportation needs were addressed and goals set by adoption of the Tigard Transportation System Plan. This code amendment will have no effect on those goals because the existing Tigard High School site included in the study.

- ♦ **Any applicable Metro regulations;**

### **Metro Urban Growth Management Plan**

#### **Title 1 – Requirements for Housing and Employment**

Accommodation of this section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment that serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro. Land being used for bus parking will be part of the high school campus and not used for residential homes. Therefore, this text amendment does not reduce the City's housing capacity.

## **Title 8 – Compliance Procedures**

This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements. This title is not applicable.

## **Title 12 – Protection of Residential Neighborhood**

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services. In particular the title addresses making public schools more accessible to neighborhood residents. Allowing bus parking on high school sites will not affect accessibility to and from the surrounding neighborhood.

### **Metro Regional Framework Plan**

#### **Policy 1.14 School and Local Government Plan and Policy Coordination**

**1.14.1 Coordinate plans among local governments, including cities, counties, special districts and school districts for adequate school facilities for already developed and urbanizing areas.**

**1.14.2 Consider school facilities to be “public facilities” in the review of city and county comprehensive plans for compliance with the Regional Framework Plan.**

#### **Policy 8.3 Schools**

**8.3.7 Encourage local jurisdictions to prioritize development applications and streamline processes for public agencies, including schools, to ensure that public needs are met without jeopardizing opportunities for citizen input or oversight for health and safety or environmental protection.**

**8.3.8 Encourage local jurisdictions to partner (including funding) with school districts to jointly use school sites for the public good (such as combined libraries, parks, connections with local services such as police, neighborhood centers, senior centers, etc.).**

These policies have been addressed by the implementation strategies of the Tigard Comprehensive Plan. Allowing bus parking on high school sites will not adversely affect coordination between local governments and the school districts to insure adequate school facilities are being provided. Currently bus parking within residential zones is not addressed by the Development Code and therefore is not allowed. By allowing bus parking as an accessory use enables the school district to easily utilize land already owned by the district rather than seeking and acquiring an off-site location.

#### **♦ Applicable Comprehensive Plan Policies:**

##### **Comprehensive Plan Policy 1.1.1: General Policies**

**The city shall ensure that:**

**A. This comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the land conservation and development commission, the regional plan adopted by the metropolitan service district;**

B. Any neighborhood planning organization plans and implementation measures adopted by the city of Tigard after the effective date of this comprehensive plan are designed to be consistent with this plan; and

C. The Tigard comprehensive plan and community development code are kept current with the needs of the community. In order to do this:

1. This plan shall be reviewed and updated at least every five years.

As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

#### **Comprehensive Plan Policy 2.1.1, 2.1.2 and 2.1.3: Citizen Involvement**

**2.1.1 The city shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.**

**2.1.2 The opportunities for citizen involvement provided by the city shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community: The citizen involvement teams shall be the primary means for carrying out the program;**

**2.1.3 the city shall ensure that information on land use planning issues is Available in an understandable form for all interested citizens.**

This policy is satisfied because notice of the proposed amendment was mailed to all property owners within 500 feet of the Tigard High School. In addition, notice was published in the Tigard Times of the Public Hearing and notice will be published again prior to the City Council public hearing. Public input has been invited in the notice.

#### **Comprehensive Plan Policy 4.2.1 and 4.3.1: Air, Water and Land Resources Quality**

**4.2.1 All development within the Tigard urban planning area shall comply with applicable federal, state and regional water quality standards, including those contained in the Clean Water Services' Design and Construction Manual. (rev. Ord. 02-15)**

**4.3.1 The city shall:**

**A. Require development proposals located in a noise congested area or a use which creates noise in excess of the applicable standards to incorporate the following into the site plan:**

- 1. Building placement on the site in an area where the noise levels will have a minimal impact; or**
- 2. Landscaping and other techniques to lessen noise impacts to levels compatible with the surrounding land uses.**

**B. Coordinate with DEQ in its noise regulation program and apply the Vol. II, policy 4-4 DEQ land use compatibility program.**

**C. Where applicable require a statement from the appropriate agency (prior to the approval of a land use proposal) that all applicable standards can be met.**

Bus parking is only allowed as an accessory use to a high school. To develop a site with a school requires review through a land use application. That review will verify that Clean Water Services Design and Construction standards are being met. Policy 4.3.1 addresses uses that create noise impacts on surrounding properties. The proposed code amendment requires that the bus parking be located at least 200 feet from the property line of neighboring residential uses. In addition the Tigard Development Code requires screening of

parking areas. There is no demonstrable evidence that making the High School eligible for bus parking will impact the quality of air, water and land resources.

#### **Comprehensive Policy 6.6.1: Housing**

**6.6.1 the city shall require:**

**A. Buffering between different types of land uses (for example between single family residential and multiple family residential, and residential and commercial uses, and residential and industrial uses) and the following factors shall be considered in determining the type and extent of the required buffer:**

- 1. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust or to provide a visual barrier;**
- 2. The size of the buffer needed in terms of width and height to achieve the purpose;**
- 3. The direction(s) from which buffering is needed;**
- 4. The required density of the buffering; and**
- 5. Whether the viewer is stationary or mobile. Vol. II, policy 6-5**

**B. On-site screening of such things as service areas and facilities, storage areas and parking lots, and the following factors, shall be considered in determining the type and extent of the screening:**

- 1. What needs to be screened;**
- 2. The direction from which it is needed;**
- 3. How dense the screen needs to be; and**
- 4. Whether the viewer is stationary or mobile.**
- 5. Whether the screening needs to be year round.**

Policy 6.6.1 requires buffering between different types of land uses. The Tigard Development Code does not require a buffer between schools and residential homes, but does require increased setbacks around schools up to 30 feet. The proposed 200-foot setback and required screening for parking areas act as a buffer from neighboring uses.

#### **Comprehensive Policy 7.8.1: Public Facilities and Services**

**7.8.1 The city shall work closely with the school districts to ensure the maximum community use of [the] school facilities for Tigard residents through locational criteria and the provisions of urban services.**

Schools are considered public facilities. The Comprehensive Plan states the City shall work closely with the school districts to ensure the maximum community use of the school facilities for Tigard residents through locational criteria and the provisions of urban services. These locational criteria mainly relate to new schools, but are addressed further below under Policy 12. The City can make joint agreements with the school district to allow community use of school facilities for recreation, open space and meeting rooms. The proposed code amendment will not restrict community use of the facilities.

#### **Comprehensive Policy 12.4.1: Location Criteria**

**12.4.1 The city shall provide for the location of community facilities in a manner which accords with:**

- A. The applicable policies in this plan;**
- B. The locational criteria applicable to the scale and standards of the use.**

**Medium impact utilities and facilities**

**A. Locational criteria**

(1) access

(a) there is direct access from the site to a collector street and traffic will not be routed

through local neighborhood streets.

(b) site access will not cause dangerous intersections or traffic congestion considering

the roadway capacity, existing and projected traffic counts, speed limits and number of turning movements.

(c) there is public transit within one-quarter mile of the site.

(2) impact of the proposed change on adjacent lands Vol. II, policy 12-13

(a) it is compatible with surrounding uses, considering scale, character and use.

(b) it will reinforce orderly and timely development.

(c) associated lights and noise will not interfere with the activities and uses on surrounding properties.

(d) large scale construction and parking lots can be buffered from the adjacent uses.

(e) privacy of adjacent residential developments can be maintained.

(f) the site layout can respond to existing community identity and street patterns.

(g) buffering can screen the project from adjacent uses.

(h) there is adequate area landscaping to filter the dust from the site area.

(3) site characteristics

(a) the land intended for development has an average site topography of less than a 10% grade, or it can be demonstrated that through engineering techniques, all limitations to development and the provision of services can be mitigated. (note: this does not apply to parks.)

(b) the site is of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience and energy conservation.

(c) the unique natural features, if any, can be incorporated into the design of the facilities or arrangement of land uses.

This policy addresses location of community facilities in accordance with applicable policies of the Comprehensive Plan and with locational standards related to the use. In this case High Schools are defined as a medium impact facility. These standards are related to access, impact on adjacent lands and site characteristics. The proposed code amendment could allow development that would impact these standards. As has been discussed previously in this report, impact on adjacent lands will be mitigated by screening and setbacks. Changes to access and the site characteristics will be reviewed with any necessary land use applications.

- ♦ Any applicable provision of the City's implementing ordinances.

**Code Section 18.380:**

This section regulates amendments. It outlines the process for reviewing Development Code Text Amendments. The present amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

**Code Section 18.390:**

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter.

## Code Section 18.780:

This chapter establishes procedures and criteria for development within residential zoning districts. The purpose of these regulations is:

1. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible non-residential development -- schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services -- at appropriate locations and at an appropriate scale.
2. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

The proposed amendment includes provisions to ensure the continued protection neighborhood livability by requiring that the bus parking be located at least 200 feet from a property with a residential use. The use is also restricted to high school sites, which are considered medium impact facilities by the Comprehensive Plan. There is an anticipated level of activity associated with these sites. Adding bus parking to the list of activities will not significantly increase the impact on neighboring sites. Presently the code does not address and therefore does not allow bus parking within a residential zone.

### DCA2006-00007 RESIDENTIAL ZONING DISTRICTS USE REGULATIONS AMENDMENT December, 2006

#### Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ - Text to be deleted

**[Bold, Underline and Italic]** - Text to be added

Proposed code language is as follows:

TABLE 18.510.1  
USE TABLE

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Schools	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>

*<sup>12</sup>School bus parking is permitted at public high school sites as a restricted use; it must be located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes.*

The applicant has proposed bus parking as a restricted use. Because the bus parking will only be allowed as an accessory use to an approved conditional use, the proposed restricted use is not correct. To add bus parking as a restricted use would require listing it as a separate use classification. This is not the intention of the applicant. The accurate code language within the use table should be as follows:



**TABLE 18.51O.1  
USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Schools	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>

*<sup>12</sup>School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes.*

## **SECTION V. STAFF ANALYSIS**

Restrictions on usage within the residential zones are an important aspect of promoting the peaceful enjoyment of a neighborhood. However, schools are typically found in residential neighborhoods to safely and efficient serve the communities children. The City needs to balance these two uses, and may do so through restrictions on place, size, screening and buffering.

Staff met with the applicant during a pre-application conference on October 10, 2006 to discuss these issues and discuss possible changes to the code. The proposed code revision addresses the applicant's concerns by allowing bus parking on high school sites. To ensure the public welfare and safety is protected, proximity to properties with a residential use must be 200 feet or greater. Staff believes that the proposed amendment strikes the best balance of restriction while still meeting the needs of the school district.

The potential negative impacts by allowing bus parking are noise and traffic when the buses enter and exit the site. The applicant states that buses would generally enter and exit the property two times a day between the hours of 6:15 a.m. to 8:30 a.m. and 3:00 p.m. to 4:00 p.m. Currently there is only one high school site within the City of Tigard. It is located on Durham Road between SW 85<sup>th</sup> and SW 92<sup>nd</sup> Avenues. Durham Road is classified as an arterial and therefore has heavier traffic and noise volumes. This 43.65 acre site is separated from properties on the north, east and west by streets. Properties to the south are a mix of residential and industrial. Bus parking can work well on this site with the proposed restrictions. To add the accessory use to this or any other existing high school site may require a minor or major modification to the approved conditional use (school). This will depend on what the applicant must do to prepare the site for the buses. In the case of Tigard High School, no application is necessary because no site changes are proposed. The buses will utilize an existing parking lot and access onto Durham Road. Bus parking proposed for any new high school site would be reviewed through a Type III land use process, which requires a public hearing. This process is required because schools are a conditional use within residential zones.

The proposed code amendment is only for residential zones and has no effect on commercial zones where schools are also allowed as a conditional use. Currently non-accessory parking is allowed in most commercial zones. This use would allow bus parking, but not as an accessory use on school sites.

Comments were received from one neighbor of the Tigard High School site. Mr. Malcolm Pennington expressed that he is in favor of allowing short buses owned by the school district to be parked on the property. He lives on the south side of the Waverly Estates subdivision located south of the Tigard High site. He has concerns with the long or diesel-powered buses due to noise and air pollution. Mr. Pennington also fears that buses owned by outside contractors rather than the district will have signs and balloons posted on buses to recruit for bus drivers.

Although there is no demonstrable evidence to show bus parking effects air pollution, idling buses may diminish air quality of the immediate surrounding area. The Oregon Department of Education has addressed this issue by recommending school districts adopt guidelines to reduce student exposure to diesel exhaust. The applicant has not submitted any evidence to support its claims that buses parked at the high school will not increase the impacts to air quality. This issue should be addressed by the applicant during the public hearing process. Signs are permitted within residential zones, but are regulated by the sign code. Signs on vehicles are prohibited within the City of Tigard (18.780.070 – Certain Signs Prohibited).

## SECTION VI. OTHER ALTERNATIVES

No Action – The code would remain unchanged, and bus parking on school sites would continue to be prohibited in residential zones.

Expanded Action – Allow bus parking on all school sites within residential zones.

Alternate Actions – Decrease or increase the proposed 200 foot setback from residential properties. Add landscape buffer requirements to reduce noise pollution to surrounding properties. Require the school district to adopt Oregon Department of Education guidelines to reduce student exposure to diesel exhaust. (Attachment A).

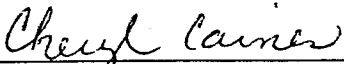
## SECTION VII. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

The City of Tigard Police Department and the Building Division have reviewed the proposal and have no objections to it.

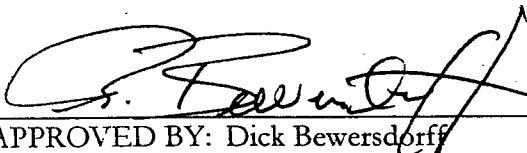
The City of Tigard Engineering Department, Tualatin Valley Fire and Rescue Clean Water Services, Oregon Department of Land Conservation and Development were notified of the proposed amendment and did not respond.

### ATTACHMENT:

Exhibit A – ODE Executive Memorandum 66-2002-03

  
PREPARED BY: Cheryl Caines  
Assistant Planner

January 24, 2007  
DATE

  
APPROVED BY: Dick Bewersdorff  
Planning Manager

January 24, 2007  
DATE

**Home > Publications > Executive Numbered Memos > 2002-03**

October 11, 2002

TO: Superintendents and Transportation Supervisors

RE: Reducing Diesel Exhaust

School buses have an excellent safety record and according to National Highway Traffic Safety Administration (NHTSA), the school bus is the safest way to transport children to and from school. However, some recent evidence of adverse environmental and health impacts from diesel exhaust, such as inducing asthma attacks, has raised concerns with the Department of Education and Department of Environmental Quality (DEQ).

Particulate levels may vary within individual buses over time but many cases may be controlled. The most important influences on variability include: bus idling behavior, queuing practices, bus ventilation via windows, and outdoor concentration of particulates on bus routes. Engine model, age of engine, and number of miles since last overhaul, maintenance cycles, location of bus engine (front, next to driver, or rear) can also influence the levels. Elevation change, passenger load, and climate may all influence levels of interior pollutants and children's exposure.

Bus parking and maintenance facilities have the potential to create localized particulate air pollution that far exceeds ambient outdoor levels. Pollution may routinely migrate to adjacent properties when buses are left idling or during periods of peak use-early mornings and afternoons. If vehicles are parked near schools, both outdoor and indoor school air quality may be diminished.

The Department of Education strongly recommends that school districts adopt guidelines to reduce exposures of students to diesel exhaust. The following items should be included:

1. Drivers should turn bus engines off upon reaching their destinations or whenever idling time exceeds 2-3 minutes. Buses should not be turned on until ready to depart. Exceptions should include conditions that would compromise passenger safety, such as:
  - a. Extreme weather conditions
  - b. Idling in traffic
2. District should inform drivers about the effects of idling on both indoor and outdoor air quality.
3. Districts should ensure that buses are monitored and maintained so that emissions remain at their lowest possible level and ensure that engine compartments are completely sealed from interior passenger space.
4. Districts, whenever possible, should locate bus-parking facilities so as to have a minimal effect on air pollution in the vicinity of schools, playgrounds, and residential areas.
5. After the driver completes the pretrip inspection, the engine should be turned off until time to depart or the driver should depart immediately. Diesels do not warm up unless they are at a high idle or placed under a load.

Besides polluting the air, an idling bus consumes fuel and adds wear and tear on the engine. According to the DEQ, a bus idling for an hour each day during a school year adds the equivalent of 1260 miles of wear on the engine. Operational costs associated with idling are estimated at about \$250 per year per bus. Reducing idling time is not only a good health and environmental policy, but it also makes good economic sense.

For more information about diesel exhaust and the health effects and for further ways to reduce diesel emissions, please contact Kevin Downing at the Department of Environmental Quality, 503.229.6549 or email [downing.kevin@deq.state.or.us](mailto:downing.kevin@deq.state.or.us).

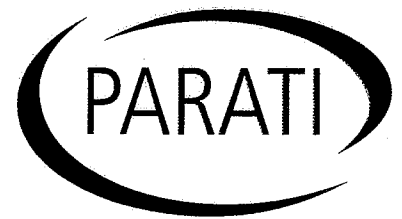
Please feel free to contact Deborah Lincoln at the Department of Education, Pupil

Transportation section at 503.378.3600, Ext. 2664 or email [deborah.lincoln@state.or.us](mailto:deborah.lincoln@state.or.us) if you need further information or have questions.

Nancy Heiligman  
Deputy Superintendent  
Of Public Instruction

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Page last updated on: 8/16/2004 3:27:54 PM



Tigard-Tualatin School District 23J  
Development Code Text  
Amendment Application

November 21, 2006

BLUE BIRD

• Ready

Resources



November 21, 2006

Cheryl Caines, Assistant Planner  
City of Tigard Department of Community Development  
13125 SW Hall Blvd.  
Tigard, Oregon 97223

RE: Development Code Text Amendment application

**RECEIVED**  
NOV 22 2006  
CITY OF TIGARD  
PLANNING/ENGINEERING

Dear Ms. Caines:

On behalf of the Tigard-Tualatin School District, I am submitting an application for a Development Code Text Amendment. This amendment, if adopted by the City Council, would allow the bus parking in residential zones at a public high school. More specifically, the text amendment will allow the School District to park buses at Tigard High School, as long as the bus parking is located at least 200 feet away from the property line of any parcel used for residential purposes.

Enclosed are 18 copies of the application, per your request. Please let me know if you need anything else. I look forward to reading your staff report.

If you have any questions regarding this application please contact me at 503-352-1136 or [murphye@paraticompany.com](mailto:murphye@paraticompany.com).

Sincerely,

Ed Murphy, AICP

cc. Roy Burling, Chief Financial Officer, Tigard-Tualatin School District  
Kelly Hossaini, Miller-Nash, Attorney for School District  
Project #1446.001

20085 NW Tanasbourne Drive  
Hillsboro, OR 97124

P 503.858.4242

F 503.645.5500

E [corporate@paraticompany.com](mailto:corporate@paraticompany.com)

Toll free 877.648.4061

[www.paraticompany.com](http://www.paraticompany.com)

Hillsboro, OR  
Tillamook, OR  
Vancouver, WA  
Bellevue, WA  
Coeur d'Alene, ID  
Rocklin, CA  
Clermont, FL

## City of Tigard Permit Center 13125 SW Hall Blvd., Tigard, OR 97223

Phone: 503.639.4171 Fax: 503.598.1960

File # DCA2006-00007

Other Case #

Date  By  Receipt #  Fee  Date Complete

<input type="checkbox"/> Adjustment/Variance (I or II)	<input type="checkbox"/> Minor Land Partition (II)	<input type="checkbox"/> Zone Change (III)
<input type="checkbox"/> Comprehensive Plan Amendment (IV)	<input type="checkbox"/> Planned Development (III)	<input type="checkbox"/> Zone Change Annexation (IV)
<input type="checkbox"/> Conditional Use (III)	<input type="checkbox"/> Sensitive Lands Review (I, II or III)	<input checked="" type="checkbox"/> Zone Ordinance Amendment (IV)
<input type="checkbox"/> Historic Overlay (II or III)	<input type="checkbox"/> Site Development Review (II)	
<input type="checkbox"/> Home Occupation (II)	<input type="checkbox"/> Subdivision (II or III)	

LOCATION WHERE PROPOSED ACTIVITY WILL OCCUR (Address if available)

Tigard High School 9000 SW Durham Road

TAX MAPS &amp; TAX LOT NOS.

ZS114AA 00100

TOTAL SITE SIZE

43.65 acres

ZONING CLASSIFICATION

R-4.5

APPLICANT:

Tigard-Tualatin School District

MAILING ADDRESS/CITY/STATE/ZIP

6960 SW Sandburg St., Tigard, OR 97223

PHONE NO.

503-431-4003

FAX NO.

503-431-4047

PRIMARY CONTACT PERSON

Ed Murphy, Parvati;

PHONE NO. \_\_\_\_\_

503-858-4242

PROPERTY OWNER/DEED HOLDER (Attach list if more than one)

MAILING ADDRESS/CITY/STATE/ZIP

PHONE NO.

FAX NO.

\*When the owner and the applicant are different people, the applicant must be the purchaser of record or a lessee in possession with written authorization from the owner or an agent of the owner. The owners must sign this application in the space provided on the back of this form or submit a written authorization with this application.

**PROPOSAL SUMMARY (Please be specific)**

Zoning Text Amendment to allow bus parking in residential zones, restricted to high school sites.

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT ALL OF THE REQUIRED SUBMITTAL ELEMENTS AS DESCRIBED IN THE "BASIC SUBMITTAL REQUIREMENTS" INFORMATION SHEET.

THE APPLICANT SHALL CERTIFY THAT:

If the application is granted, the applicant shall exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.

All the above statements and the statements in the plot plan, attachments, and exhibits transmitted herewith, are true; and the applicants so acknowledge that any permit issued, based on this application, may be revoked if it is found that any such statements are false.

The applicant has read the entire contents of the application, including the policies and criteria, and understands the requirements for approving or denying the application(s).

SIGNATURES OF EACH OWNER OF THE SUBJECT PROPERTY ARE REQUIRED.

Ray Bentley  
Owner's Signature

11/14/2006  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

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Date

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Owner's Signature

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Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Agent/Representative's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Agent/Representative's Signature

\_\_\_\_\_  
Date



## KEY INFORMATION

**Project Name:** Bus Parking Text Amendment

**Property Description:** 2S114AA00100

**Location:** 9000 SW Durham Road. The proposed text amendment would only apply to public high schools. The only high school in Tigard is Tigard High School, located south of Durham Road, between SW 85<sup>th</sup> Avenue and SW 92<sup>nd</sup> Avenue.

**Parcel size:** Approximately 43.65 acres

**Zoning:** R-4.5

**Applicant:** Tigard-Tualatin School District

**Property Owner:** Tigard-Tualatin School District 23J  
6960 SW Sandburg Street  
Tigard, Oregon 97223  
Attention: Roy Burling, Chief Financial Officer  
Telephone: 503-431-4003  
Fax: 503-431-4047

**Applicant's Representative:**

Ed Murphy, AICP, Comprehensive Planning Manager  
Parati  
20085 NW Tanasbourne Drive  
Hillsboro, Oregon 97124

## SUMMARY

The Tigard-Tualatin School District wants the ability to park some of its school buses at Tigard High School, including buses that are not related to transporting high school students. Currently, the District parks buses in two other locations in Tigard, which include the 8.4-acre bus barn located at 13000 SW Hall Blvd. (tax lot 2S102DA00500) and the 1.37-acre parcel located at 13137 SW Pacific Highway (tax lot 2S102CB00200), where the Hibbard Administration Center Administrative Building was located.

The School District is selling the site on Highway 99w, so that site will no longer be available for bus parking. Finding a suitable and available site where bus parking would be permitted by the zoning district, where the surrounding property owners would not be adversely impacted, and which would work for the District logistically, has proven problematic. The School District officials have decided that parking buses at Tigard High School, near the swim center, is the best option available. This option has the added benefit of allowing the District to reduce the vehicle miles traveled of the buses, because it allows the District to park at least some of the buses that serve the southern part of the district in a more southerly area.

The Tigard Development Code does not expressly allow bus parking in the R-4.5 zone. In order to allow bus parking in this zone, a text amendment to the Tigard Development Code Text is required. The proposed text amendment, if adopted by the City, would allow school bus parking as a restricted use within residential zones, as long as it is located at a public high school and sited away from any residential uses.

- The proposed amendment is a legislative decision, and would be applicable to any site within the City that met the criteria. However, the criteria are narrowly written to limit the school bus parking to high school sites.
- This application is for a text amendment only. No site improvements are planned, and no new access ways are proposed. (According to City planning staff, as long as the District continues to use its access off Durham Road, no modification to the Conditional Use Permit is required. Should the District decide to pursue the permanent use of the temporary construction road access connecting to SW 85<sup>th</sup> Avenue, a modification to the Conditional Use Permit application, an adjustment to the driveway spacing standards, and approval of a revised site plan may be required).
- The capacity of the high school will not change.
- No additional parking spaces are proposed. The area where the buses would be parked is not currently used for off-street parking, and the existing parking at the high school is more than the minimum number of spaces required.
- There will be virtually no impact to the sewer, water, and storm water systems. There will be no increase in the amount of impervious surface. There will be some traffic impact because the buses will be utilizing this site rather than the 99w site.

## BACKGROUND INFORMATION

**History:** Currently, no buses are stored at the high school. The District stores some buses at its site on Pacific Highway, which is zoned R-12, and others at its site on Hall Blvd., zoned Light Industrial. There is not enough room at the Hall Blvd. site to park all of the buses, since much of the property is unusable for parking due to environmental factors.

The District has been using the Pacific Highway site as a temporary solution to its bus parking needs since it demolished the old Administration Building in 2004. Currently there are 17 short buses and 9 long buses parked at the 99w site. The District is selling its property on 99w, and needs to find another site to park the buses when they are not transporting students.

The District would like to re-locate the buses currently stored at the 99W site, and perhaps three or four more to accommodate anticipated growth, at the high school. It has stored buses at the high school before; in fact, the District moved buses from the high school to the 99W site to make room for modular buildings and materials related to the school remodeling project.

The contractor for the high school remodeling project constructed a temporary access road connecting the site to 85<sup>th</sup> Avenue, but it cannot be used to access the bus parking area unless it is converted to a permanent access road through the Conditional Use Permit process.

**The site:** The property is made up of one tax lot, a 43.65-acre parcel with frontage on SW Durham Road on the north side, SW 85<sup>th</sup> Avenue on the east side and SW 92<sup>nd</sup> Avenue on the west side. (Please refer to the Tax Assessor's map, Exhibit '1'). The site slopes slightly from north to south, and from west to east.

It is mostly cleared of vegetation except for the group of trees just south of the swim center. The aerial photograph (Exhibit '2') shows the School District property and surrounding neighborhood.

This application is for a Text Amendment, and not for approval of an specific location. However, as a point of information, the District plans to site the parking area south of the portables and behind the soccer field that is east of the swim center. The site would be approximately 240 feet from the Durham Road south right-of-way line. A close up view (Exhibit '3') indicates the area on the site where the buses would be stored, if the text amendment is approved.

**Adjacent uses:** The high school property is zoned R-4.5, as are the neighborhoods to the north, the west and the south. The homes to the south directly abut the school property. The homes to the west and north are separated by 92<sup>nd</sup> Avenue and Durham Road, respectively. The area to the east is zoned Light Industrial, and is developed with light industrial uses. See Exhibit '4', Zoning Map.

**Description of Proposal:**

The proposal is to allow school bus parking as a "Civic (Institutional)" use permitted, with restrictions, in the R-1 through R-40 zones. A footnote would provide the details of the restrictions. In this case, the restriction would be that school bus parking is permitted only at a public high school, and must be located at least 200 feet away from the property line of any parcel used for residential purposes. Bus parking would be a permitted use, not a conditional use. Exhibit '5' illustrates the area where bus parking would be prohibited at the high school site (200 feet from the nearest property lines of any tax lots that are used for residential), as well as the specific area where the District is proposing to park the buses.

While "schools" are permitted as a Conditional Use in the R-4.5 zone, bus parking is not listed as a permitted use or a conditional use. The definition of "accessory use" is a use that is "incidental and subordinate to the main use of the property". Since the main use of the property is a high school, and since many of the buses to be parking at this site are not related to the high school use, bus parking would not qualify as an accessory use. Also, the definition refers to an accessory use as a "freestanding structure", and a parking area is not a structure.

The proposal text amendment would be made by amending Table 18.510.1, as shown on the following table. The full table, as it would be amended, is attached as Exhibit '6'.

<b>TABLE 18.510.1</b>								
<b>USE TABLE</b>								
USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
CIVIC (INSTITUTIONAL)								
<b>Schools</b>	<b>C/R<sup>12</sup></b>	<b>C/R<sup>12</sup></b>	<b>C/R<sup>12</sup></b>	<b>C/R<sup>12</sup></b>	<b>C/R<sup>12</sup></b>	<b>C/R<sup>12</sup></b>	<b>C/R<sup>12</sup></b>	<b>C/R<sup>12</sup></b>

**<sup>12</sup>School bus parking is permitted at public high school sites as a restricted use; it must be located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes.**

**Prior Reviews:** A pre-application conference with city staff was held on the proposed text amendment on October 10, 2006. (Please refer to the pre-application notes, Exhibit '7'). No neighborhood meeting was held, since this is a legislative amendment.

## IMPACT ANALYSIS

**Impact Analysis.** Chapter 18.390.040.B.2.e requires an impact study as part of the Type II procedure. Although the text amendment by itself has no impacts, the subsequent use of a portion of the Tigard High School property for bus parking may have some minor impacts, depending on exactly where it is located. No improvements to the transportation, drainage, parks, water, and sewer systems are necessary to meet City standards or to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.

Following are comments regarding the impact of parking buses at the high school, based on the planned location of the bus parking as shown on Exhibit '3'.

Transportation System: There are no significant impacts to the transportation system as a result of this proposed text amendment or the subsequent use of a portion of the Tigard High School site for bus parking. The proposed text amendment would allow the District to park buses at the high school. Approximately 30 buses would be parked on the site, and would enter and exit the site twice a day, typically between the hours of 6:15 AM to 8:30 AM, and 3:00 PM to 4:00 PM, although buses may be coming and going throughout the day. The buses will utilize the existing driveways between the swim center and the auditorium.

Drainage System: There will be no impact to the drainage system as a result of this proposal.

Parks System: There will be no impact to the parks system as a result of this proposal.

Water System: There will be no impact to the water system as a result of this proposal.

Sewer System: There will be no impact to the sewer system as a result of this proposal.

Noise impacts: There will be some future noise impacts as a result of this proposal because of the buses entering and leaving the site in the morning and again in mid-afternoon. The noise would only affect homes in the immediately surrounding area across Durham Road from the swim center and auditorium.

Lighting: There will be no impact to the lighting system because of this text amendment. No changes to the outside lighting are proposed. The District does not plan to install any new parking lot lights.

Police, Fire and other Emergency Services: There will be no impact to police, fire or other emergency services as a result of this proposal.

Environmental impacts. There will be no impact on sensitive lands (i.e., wetlands, steep slopes, floodplains, or wildlife habitats) as a result of this text amendment, or as a result of the bus parking the text amendment would permit.

## RESPONSE TO STATE PLANNING GOALS

The foundation of the statewide land use planning program are a set of 19 Statewide Planning Goals. Goals 1-14 are applicable to Tigard; the rest of the Goals are applicable to coastal areas and the Willamette River greenway areas. The statewide goals are achieved through the Tigard Comprehensive Plan and the City's zoning and land division regulations contained in the Tigard Development Code. This amendment to the text of the Development Code must be consistent with the applicable state policies. Most of the statewide goals are not applicable to the proposed text amendment or the subsequent results of the text amendment. Nonetheless, the following section addresses these goals.

### ***State Planning Goals:***

***Goal 1. Citizen Involvement. Develop a citizen involvement program that ensures the opportunity for citizens to get involved in all aspects of the planning process.***

Even though this is a legislative change to the Development Code that could theoretically apply throughout the City, the City staff plans to notify all property owners within 300 feet of the Tigard High School property, and to notify the neighborhood organizations. This, and the required public notices in the newspaper, provides adequate opportunities for citizen involvement.

***Goal 2. Land Use Planning. Establish a land use planning process and policy framework as the basis of all land use decisions and actions, and ensure an adequate factual data base to substantiate those decisions and actions.***

The proposed text amendment allows a new use in a residential zone that the City currently allows only in a commercial zone. However, the use is not a commercial use, and it is a use that is related to school facilities, which are allowed as conditional uses in residential zones.

***Goal 3. Agricultural Lands. Preserve and maintain agricultural lands beyond the Urban Growth Boundary of the community.*** Not applicable.

***Goal 4. Forest Lands. Conserve forest lands, not committed for urban uses, for strictly forest uses.*** Not applicable.

***Goal 5. Open Spaces, Scenic and Historic Areas, and Natural resources. Conserve open space and protect natural and service resources.*** Not applicable, unless the use was proposed in or adjacent to open spaces, scenic and historic areas and natural resources, in which case regulations related to those resources would apply. The goal is not applicable to the specific site where the District plans to park buses.

***Goal 6. Air, Water and Land Resources Quality. Maintain and improve the quality of air, water and land resources.*** Not applicable. In a general sense, the buses will be utilized within the Tigard-Tualatin School District boundaries, regardless of where they are parking when they are not in use. Allowing buses to be parked at the high school will not increase the impacts to the air, water and land resources over the existing impacts caused by the buses.

***Goal 7. Areas Subject to Natural Disasters and Hazards. Protect the community's life and property from natural disaster and hazard areas.*** Not applicable, unless the use was proposed in or adjacent to area subject to natural disasters and hazards, in which case regulations related to those hazards would apply. The goal is not applicable to the specific site where the District plans to park buses.

**Goal 8. Recreational Needs. Meet the recreational needs of the community and the State.** Not applicable.

**Goal 9. Economic Development. Diversity and improve the economy of the community and the State.** Not applicable.

**Goal 10. Housing. Provide adequate housing for the needs of the community, region and state.** Not applicable. Since the use will be allowed only at a high school, the land that the use would consume would not otherwise be available to meet the City's housing needs.

**Goal 11. Public Facilities and Services. Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as the framework for urban development.** The school buses should be considered part of the community's necessary public facilities. As such, the City needs to address the best place to locate these facilities so that public services, including school bussing, can be provided efficiently.

**Goal 12. Transportation. Provide and encourage a safe, convenient and economic transportation system.** The goal calls for a safe, convenient and economic transportation system that addresses the needs of the transportation disadvantaged. Many school children are "transportation disadvantaged". That is why the School District provides bus services. Allowing the District to park buses at the high school furthers the goal of creating a safe, convenient and economic transportation system.

**Goal 13. Energy Conservation. Conserve energy.** Not applicable. Re-locating the bus parking area to the high school will not significantly impact the energy used by the buses.

**Goal 14. Urbanization. Provide for an orderly and efficient transition from urbanizable to urban land uses.** Not applicable.

## RESPONSE TO METRO PLANS

### Regional Framework Plan

In 1992, the region's voters adopted a Charter for Metro that required the adoption of a Regional Framework Plan. The Regional Framework Plan, updated and effective 12/28/05, unites all of Metro's adopted land use planning policies and requirements. The Charter directs Metro to address the following subjects in the Plan:

- Management and amendment of the Urban Growth Boundary
- Protection of lands outside the Urban Growth Boundary for natural resource use and conservation, future urban expansion or other uses
- Urban design and settlement patterns
- Housing densities
- Transportation and mass transit systems
- Parks, open spaces and recreational facilities
- Water sources and storage
- Coordination with Clark County, Washington
- Planning responsibilities mandated by state law
- Other issues of metropolitan concern

Chapter 1 of the Regional Framework Plan addresses school and local government plan and policy coordination, as follows:

**1.14 School and Local Government Plan and Policy Coordination.**

***It is the policy of the Metro Council to:***

***1.14.1 Coordinate plans among local governments, including cities, counties, special districts and school districts for adequate school facilities for already developed and urbanizing areas.***

***1.14.2 Consider school facilities to be "public facilities" in the review of city and county comprehensive plans for compliance with the Regional Framework Plan.***

**8.3 Schools**

***It is the policy of the Metro Council to:***

***8.3.7 Encourage local jurisdictions to prioritize development applications and streamline processes for public agencies, including schools, to ensure that public needs are met without jeopardizing opportunities for citizen input or oversight for health and safety or environmental protection.***

***8.3.8 Encourage local jurisdictions to partner (including funding) with school districts to jointly use school sites for the public good (such as combined libraries, parks, connections with local services such as police, neighborhood centers, senior centers, etc.).***

**Response.** A parking area for school buses is a school-related public facility. This policy directs and encourages the City to accommodate school-related public facilities in the City's Comprehensive Plan and implementing ordinances. It also encourages joint use of school sites for the public good. The proposed text amendment is consistent with this policy.

**Urban Growth Management Functional Plan**

Metro's Urban Growth Management Functional Plan provides tools that help the cities and counties with territory inside the Metro Urban Growth Boundary meet the goals of the 2040 Growth Concept. The Urban Growth Management Functional Plan is Section 3.07 of the Metro Code. There are 12 titles in that section, which are summarized below.

**Title 1 (Metro Code Sections 3.07.110 - 3.07.170) - Requirements for Housing and Employment Accommodation.** This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

**Response:** The land that the School District plans to use for bus parking, while zoned for residential uses, is part of the high school campus, and would not otherwise be used for homes. The text amendment does not reduce the City's housing capacity.

**Title 2 (Metro Code Sections 3.07.210 - 3.07.220) - Regional Parking Policy.** The Metro 2040 Growth Concept calls for more compact development to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. This title establishes regionwide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development. It does not affect existing development. Parking maximums are also specified. By not creating an over supply of parking, urban land can be used most efficiently.

**Response:** This Title is not applicable. It does not apply to bus parking. Nonetheless, it would allow a more efficient use of urban land.

**Title 3 (Metro Code Sections 3.07.310 - 3.07.370) - Water Quality, Flood Management and Fish and Wildlife Conservation.** The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. Title 3 specifically implements the Oregon Statewide Land Use Goals 6 and 7 by protecting streams, rivers, wetlands and floodplains by avoiding, limiting or mitigating the impact on these areas from development.

**Response:** This Title is not applicable. The high school campus does not have any streams, rivers, wetlands or floodplains.

**Title 4 (Metro Code Sections 3.07.410 - 3.07.440) - Industrial and Other Employment Areas.** Title 4 places restrictions of certain uses in three designations on the 2040 Growth Concept Map. In Regionally Significant Industrial Areas, non-industrial uses are limited to:

- Retail uses less than 20,000 square feet and amounting to only 5 percent of the contiguous Regionally Significant Industrial Area
- Commercial office uses that are not accessory to the industrial uses with the exception of large corporate headquarters, and;
- Uses necessary to serve the needs of businesses and employees of the Regionally Significant Industrial Area.

In Industrial Areas, non-industrial uses are limited to less than 20,000 square feet and amount to 10 percent of the Industrial Area.

In Employment Areas, retail uses are limited to less than 60,000 square feet. This can be increased if it is demonstrated that transportation facilities are adequate to serve the retail use and to serve other planned uses in the Employment Area.

**Response:** This Title is not applicable.

**Title 5 (Metro Code Sections 3.07.510-3.07.540) - Neighbor Cities and Rural Reserves.** This section of the Functional Plan directs Metro to work with its neighbor cities to protect common locations for green corridors along transportation corridors connecting the Metro



region and each neighboring city. The intent is to protect the land along these corridors from continuous strip development to maintain their rural character and agricultural economy. Metro's neighboring cities are Canby, Sandy and North Plains.

Title 5 requests that the counties and the cities adjacent to green corridors and rural reserves adopt comprehensive plan policies to reflect the rural reserve policies contained in the 2040 Growth Concept.

**Response:** This Title is not applicable.

**Title 6 (Metro Code Sections 3.07.610 - 3.07.650) - Central City, Regional Centers, Town Centers and Station Communities.** The intention of Title 6 is to enhance the Centers designated on 2040 Growth Concept Map by encouraging development in these Centers. Metro will work with cities and counties to implement development strategies which will include an analysis of the barriers to development, an accelerated review process for preferred types of development, an analysis of incentives to encourage development and a program to adopt the incentives. Cities and counties are encouraged to site government offices in Centers and are required to report on the progress made in their Centers to Metro every two years.

**Response:** This Title is not applicable.

**Title 7 (Metro Code Sections 3.07.710-3.07.760) - Affordable Housing.** This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels.

The intent of Title 7 is to provide a choice of housing types, reduce barriers to sufficient and affordable housing for all income levels in the region, create housing opportunities commensurate with the wage rates of jobs available across the region, initiate a process for addressing current and future needs for affordable housing, and reduce concentrations of poverty.

Local jurisdictions are required to report on land-use and non-land-use tools and strategies they have considered for adoption by January 31, 2002; to report on status of comprehensive plans amendments and adoption of affordable housing land-use tools by December 31, 2003; and to report on the amendments to comprehensive plans, outcomes of affordable housing tools implemented and any other affordable housing developed and expected by June 30, 2004.

**Response:** This Title is not applicable.

**Title 8 (Metro Code Sections 3.07.810-3.07.890) - Compliance Procedures.** This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements.

**Response:** This Title is not applicable.

**Title 9 (Metro Code Sections 3.07.910-3.07.920) - Performance Measures.** This title ensures that progress or lack of progress is measured in the implementation of the Urban Growth Management Functional Plan (UGMFP) and the 2040 Growth Concept. This will help ensure better program management. Indicators for monitoring and evaluating policies and

requirements in each Functional Plan title will be identified and reviewed by the Metro Policy Advisory Committee (MPAC), the Joint Policy Advisory Committee on Transportation (JPACT) and adopted by the Metro Council. Metro will gather the data necessary for measuring progress with the assistance of the local jurisdictions. Analysis of the data will include reporting at the regional level, jurisdiction levels and Growth Concept design type boundaries or center areas.

**Response:** This Title is not applicable.

**Title 10 (Metro Code Section 3.07.1010) – Definitions.** This title defines the words and terms used in the document.

**Response:** This Title is not applicable.

**Title 11 (Metro Code Sections 3.07.1105 - 3.07.1140) - Planning for New Urban Areas.**

The purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use. All land added to the UGB shall be included within a city's or county's comprehensive plan prior to urbanization. The comprehensive plan amendment must be consistent with all applicable titles of this Functional Plan. Title 11 lists ten provisions that need to be addressed in the comprehensive plan amendment including an urban growth plan diagram and policies consistent with the Regional Framework Plan and adopted 2040 Growth Concept design types.

**Response:** This Title is not applicable.

**Title 12 (Metro Code Sections 3.07.1210 - 3.07.1240) - Protection of Residential Neighborhood.** The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

**Response:** This Title is somewhat applicable. Section D. of this Title states:

***D. To make public schools more accessible to neighborhood residents, cities, counties and school districts shall prioritize school sites that are near concentrations of population and are connected to those concentrations by safe and convenient walking, biking and, where transit is available or planned, transit facilities.***

The intent of this title is to encourage siting of school facilities in locations that encourage access via a range of transportation modes, and that protect existing residential neighborhoods from pollution, noise and crime. The proposed text amendment, with the requirements that bus parking is restricted to high school sites, and then only if the proposed location for the bus parking is located at least 200 feet away from existing residential uses, is consistent with this title.

## RESPONSE TO COMPREHENSIVE PLAN POLICIES

### Comprehensive Plan Policies

The Comprehensive Plan provides the policy framework for the City's planning program, and directs the implementation strategies. Like the statewide goals, many of the policies are not directly applicable to the proposed text amendment. Following are the applicable policies. There are twelve policy areas listed in the Comprehensive Plan, which are not exactly the same as the state goals.

1. **General Policies.** Not applicable.
2. **Citizen Involvement.** Applicable.

#### POLICY

*2.1.1 THE CITY SHALL MAINTAIN AN ONGOING CITIZEN INVOLVEMENT PROGRAM AND SHALL ASSURE THAT CITIZENS WILL BE PROVIDED AN OPPORTUNITY TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.*

**Response:** The City staff plans to notify all property owners within 300 feet of the Tigard High School property, and to notify the neighborhood organizations. This, and the required public notices in the newspaper, provides adequate opportunities for citizen involvement.

3. **Natural Features and Open Space.** Not applicable.
4. **Air, Water and Land Resources Quality.** The policy on noise is applicable.

#### POLICY

##### *4.3.1 THE CITY SHALL:*

*a. REQUIRE DEVELOPMENT PROPOSALS LOCATED IN A NOISE CONGESTED AREA OR A USE WHICH CREATES NOISE IN EXCESS OF THE APPLICABLE STANDARDS TO INCORPORATE THE FOLLOWING INTO THE SITE PLAN:*

- 1. BUILDING PLACEMENT ON THE SITE IN AN AREA WHERE THE NOISE LEVELS WILL HAVE A MINIMAL IMPACT; OR*
- 2. LANDSCAPING AND OTHER TECHNIQUES TO LESSEN NOISE IMPACTS TO LEVELS COMPATIBLE WITH THE SURROUNDING LAND USES.*

*b. COORDINATE WITH DEQ IN ITS NOISE REGULATION PROGRAM AND APPLY THE DEQ LAND USE COMPATIBILITY PROGRAM.*

*c. WHERE APPLICABLE REQUIRE A STATEMENT FROM THE APPROPRIATE AGENCY (PRIOR TO THE APPROVAL OF A LAND USE PROPOSAL) THAT ALL APPLICABLE STANDARDS CAN BE MET.*

#### IMPLEMENTATION STRATEGIES

- 1. The Tigard Community Development Code shall ensure that future "noise sensitive" developments are designed and located so as to minimize the intrusion of noise from motor vehicle traffic and/or neighboring noisy uses.*
- 2. The Tigard Community Development Code shall ensure that new commercial, industrial and public developments are landscaped and designed such that Department of Environmental Quality (DEQ) noise standards are met and neighboring "noise sensitive" properties are not negatively impacted by the new land use or associated activities. This shall be accomplished through building setbacks, buffering standards and use compatibility.*

3. *The City shall seek a response and/or assistance from the Department of Environmental Quality (DEQ) when reviewing commercial or industrial uses in or near residential areas to prevent degradation of previously quiet environments.*

**Response:** The proposed site is not in a noise congested area, or a use that will generate noise in excess of applicable standards. It does not involve the placement a building. It will minimize the intrusion of noise from the noise sensitive residential areas by being set back on the site at least 100 feet away from the property line.

5. **Economy.** Not applicable.

6. **Housing.** Policy 6.6 is somewhat applicable.

#### 6.6 ALL AREAS POLICY

##### 6.6.1 THE CITY SHALL REQUIRE:

- a. *BUFFERING BETWEEN DIFFERENT TYPES OF LAND USES (FOR EXAMPLE BETWEEN SINGLE FAMILY RESIDENTIAL AND MULTIPLE FAMILY RESIDENTIAL AND RESIDENTIAL AND COMMERCIAL USES, AND RESIDENTIAL AND INDUSTRIAL USES) AND THE FOLLOWING FACTORS SHALL BE CONSIDERED IN DETERMINING THE TYPES AND EXTENT OF THE REQUIRED BUFFER:*
  1. *THE PURPOSE OF THE BUFFER, FOR EXAMPLE TO DECREASE NOISE LEVELS, ABSORB AIR POLLUTION, FILTER DUST OR TO PROVIDE A VISUAL BARRIER;*
  2. *THE SIZE OF THE BUFFER NEEDED IN TERMS OF WIDTH AND HEIGHT TO ACHIEVE THE PURPOSE;*
  3. *THE DIRECTION(S) FROM WHICH BUFFERING IS NEEDED;*
  4. *THE REQUIRED DENSITY OF THE BUFFERING; and*
  5. *WHETHER THE VIEWER IS STATIONARY OR MOBILE.*

**Response:** While the land use (a public school) is different from the land uses allowed on the adjacent and nearby properties, schools are allowed in the R-4 zone. Typically, no buffering is required between a school and adjoining residential properties. (CHECK BUFFER CHART) Nonetheless, the proposed text amendment would require a 100-foot buffer between the property line and the bus parking area, when the adjoining property is zoned residential.

The proposed bus parking area is not adjacent to a residential area, so no visual barrier is needed. Further, any noise impacts from the buses would be caused by the moving buses, not from the parked buses, so buffering would not have any effect on the noise levels.

7. **Public Facilities and Services** – Partially Applicable.

#### 7.8 SCHOOLS

##### *Findings*

- *The location and development of school facilities has a significant impact on residential development, transportation system location and development of public facilities and services.*

##### *POLICY*

**7.8.1 THE CITY SHALL WORK CLOSELY WITH THE SCHOOL DISTRICTS TO ENSURE THE MAXIMUMUM COMMUNITY USE OF [THE] SCHOOL FACILITIES FOR TIGARD RESIDENTS THROUGH LOCATION CRITERIA AND THE PROVISIONS OF URBAN SERVICES.**

**IMPLEMENTATION STRATEGIES**

*3. The City shall develop "Locational Criteria" and will cooperate with the school districts in their efforts to select new school sites in order to ensure adequate facilities and minimize conflicts with the Comprehensive Plan.*

**Response:** Parking for school buses should be considered a "public facility" or part of the "school facilities". The location of school facilities was considered when the Comprehensive Plan was adopted. The Comprehensive Plan map designates the Tigard High School site as "Public Institution" which includes areas deemed appropriate for "municipal uses, school uses or other public uses".

Schools, and particularly high schools, can have significant impacts on residential neighborhoods. Parking buses at the high school intensifies the impact of the high school somewhat, but setting the bus parking back from the street, out of view from Durham Road, and not near or abutting any homes, mitigates this minor added impact.

- 8. **Transportation** – Not applicable.
- 9. **Energy** – Not applicable.
- 10. **Urbanization** – Not applicable.
- 11. **Special Areas of Concern** – Not applicable.
- 12. **Location Criteria** – Applicable

**12.4 COMMUNITY UTILITIES AND FACILITIES**

*Public utilities and facilities include public and private activities which are owned and operated for the benefit of the public. These include, for example, schools, libraries, hospitals, parks, golf courses, police and fire stations, water service, sewerage facilities and other operations performed as a public service. These facilities and uses have a direct effect on the public health, safety and welfare. They must be located in a manner which maximizes the net gains to the public and relates to the service area.*

*The purposes of this section are to:*

- 1. Provide services where and when appropriate;*
- 2. Locate community utilities and facilities where appropriate access and required services can be achieved;*
- 3. Support community identify and development of community centers;*
- 4. Reduce auto trips by clustering public services with other commercial, office and industrial uses;*
- 5. Minimize adverse impacts on adjacent development through site location and design guidelines; and*
- 6. Promote reduced crime potential through design and location based on principals of defensible space.*

## **POLICIES**

### **12.4.1 THE CITY SHALL PROVIDE FOR THE LOCATION OF COMMUNITY FACILITIES IN A MANNER WHICH ACCORDS WITH:**

- A. THE APPLICABLE POLICIES IN THIS PLAN;**
- B. THE LOCATIONAL STANDARDS APPLICABLE TO THE SCALE AND STANDARDS OF THE USE.**

This section of the Comprehensive Plan then lists various land uses, and groups them according to impact. High schools are listed under "medium impact utilities and facilities".

Section 2 lists locational criteria for these types of utilities and facilities. These locational criteria apply to broad categories of land uses. The following section shows that school bus parking at a high school is consistent with the locational criteria.

#### **2. Medium Impact Utilities and Facilities**

##### **(1) Access**

- (a) There is direct access from the site to a collector street and traffic will not be routed through local neighborhood streets.*
- (b) Site access will not cause dangerous intersections or traffic congestion considering the roadway capacity, existing and projected traffic counts, speed limits and number of turning movements.*
- (c) There is public transit within one-quarter mile of the site.*

**Response.** The bus parking area will have direct access to Durham Road, a collector street. Traffic will not be routed through local neighborhood street. The site access driveways to the high school are already well established, and are being used, or have been used in the past, by buses. There is public transit within one-quarter mile of the site.

##### **(2) Impact of the Proposed Change on Adjacent Lands**

- (a) It is compatible with surrounding uses, considering scale, character and use.*
- (b) It will reinforce orderly and timely development.*
- (c) Associated lights and noise will not interfere with the activities and uses on the surrounding properties.*
- (d) Large scale construction and parking lots can be buffered from adjacent uses.*
- (e) Privacy of adjacent residential developments can be maintained.*
- (f) The site layout can respond to existing community identity and street patterns.*
- (g) Buffering can screen the project from adjacent uses.*
- (h) There is adequate area landscaping to filter the dust from the site area.*

**Response:** The bus parking area will be compatible with the surrounding uses, which are a high school campus and industrial buildings. The lights and noise from the buses will not interfere with the activities of the high school or with the adjacent industrial uses. The use will be buffered by the proposed location on the high school campus, and by the proposed 100-foot setback from the adjoining residential property lines. There are no residences near where the District plans to park the buses. Buffering is provided with the deep setback, and screening is provided by the stand of oak trees.

##### **(3) Site characteristics**

- (a) *The land intended for development has an average site topography of less than a 10% grade, or it can be demonstrated that through engineering techniques, all limitations to development and the provision of services can be mitigated. (Note: This does not apply to parks.)*
- (b) *The site is of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience and energy conservation.*
- (c) *The unique natural features, if any, can be incorporated into the design of the facilities or the arrangement of land uses.*

**Response:** The site is flat. The campus is quite large, with few environmental constraints, and the high school buildings and fields are already firmly established. The proposed bus parking area does not diminish the use of the property for other present or future uses. The natural features of the site will serve as a buffer from the residential areas on the north side of Durham Road.

## RESPONSE TO DEVELOPMENT CODE REQUIREMENTS

### **Development Code criteria and standards**

#### **The applicable Development Code Sections are**

Chapters 18.380 (Zoning Map/Text Amendments); 18.390 (Decision Making Procedures/Impact Study); 18.510 (Residential Zoning Districts); and 18.745 (Landscaping and Screening Standards) - if necessary.

**Chapter 18.380.020** requires Legislative Text Amendments to the Development Code requires a Text Amendment to be processed by a Type IV procedure, which is how this application will be processed. Therefore, the application meets the requirements of Chapter 18.830.

**Chapter 18.390** provides the procedures for reviewing proposed text amendments. This application will go first to the Planning Commission, which will make a recommendation to the City Council. A District had a pre-application conference with the City staff. The Director indicated that he would waive the application time period. Eighteen copies of the application have been submitted, along with the application fee and a completed application form. The appropriate criteria have been addressed by the applicant. The City will provide the property notices (and in fact, will send notices to all property owners within 300 feet of the high school, which is not a requirement of the Code).

Section 18.390.060.G requires the Planning Commission and City Council to base their decision on the following factors:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;
2. Any federal or state statutes or regulations found applicable;
3. Any applicable METRO regulations;
4. Any applicable comprehensive plan policies; and
5. Any applicable provisions of the City's implementing ordinances.

The application addresses these factors. Therefore, the application meets the requirements of Chapter 18.390.

**Chapter 18.510** lists the uses allowed in the R-1 through R-40 zones, and the development standards that apply. Section 18.510.030.2 provides for "restricted uses", which is a use permitted outright providing it is in compliance with special requirements, exceptions or restrictions. The proposed text amendment creates a new restricted use, listed under the CIVIC (Institutional) category, and identifies the restrictions that would apply to that use in a residential zone. Therefore, the application meets the requirements of Chapter 18.510.

**Chapter 18.745** establishes standards for landscaping, buffering and screening of land uses in order to enhance the aesthetic environmental quality of the City. This section does not apply specifically to a Text Amendment, but may apply to the proposed bus parking. Section 18.745.020 states that the provisions of this chapter apply to "...a change of use which results in the need for increased on-site parking or loading requirements or which changes the access requirements.

However, schools are a use permitted in a residential zone, so they are considered the same use. No buffering or screening would normally be required, according to Table 18.745.1. Even if the school and the nearby house are considered different uses, buffering, but not screening, is required when the uses are separated by a right-of-way, according to Section 18.745.050.A.2. (Actually footnote [1] of Table 18.745.2 contradicts this requirements by stating "Buffers are not required between abutting uses that are of a different type when the uses are separated by a street as specified in Section 18.745.050.A2.")

Nonetheless, the proposed Text Amendment would require a 200-foot setback from any property line of a parcel used for residential purposes, which results in a much greater buffer than the buffer distances required by Table 18.745.1.

Although the application is for a Text Amendment and not for approval of a specific site, the proposed location is next to properties zoned and used for industrial purposes, and is screened from view from Durham Road by buildings and trees.

## SUMMARY

Allowing buses to be parked at the high school is a good idea. Bus parking is a school-related public facility and use that is appropriate on a high school campus. The 43-acre high school site is designated "public/institutional" on the Comprehensive Plan map, and is already developed as a high school. It will also help reduce vehicle miles traveled, as buses serving the southern portions of the district can be located at the high school instead of the bus barn further north on Hall Boulevard.

The simplest and most consistent method of allowing bus parking at the high school is to simply make it a restricted use under the "Civic (Institutional)/Schools" category, with restrictions that include 1). It has to be located on a high school campus; and 2). It has to be located a minimum of 200 feet from any property line of a parcel that is used for residential purposes.



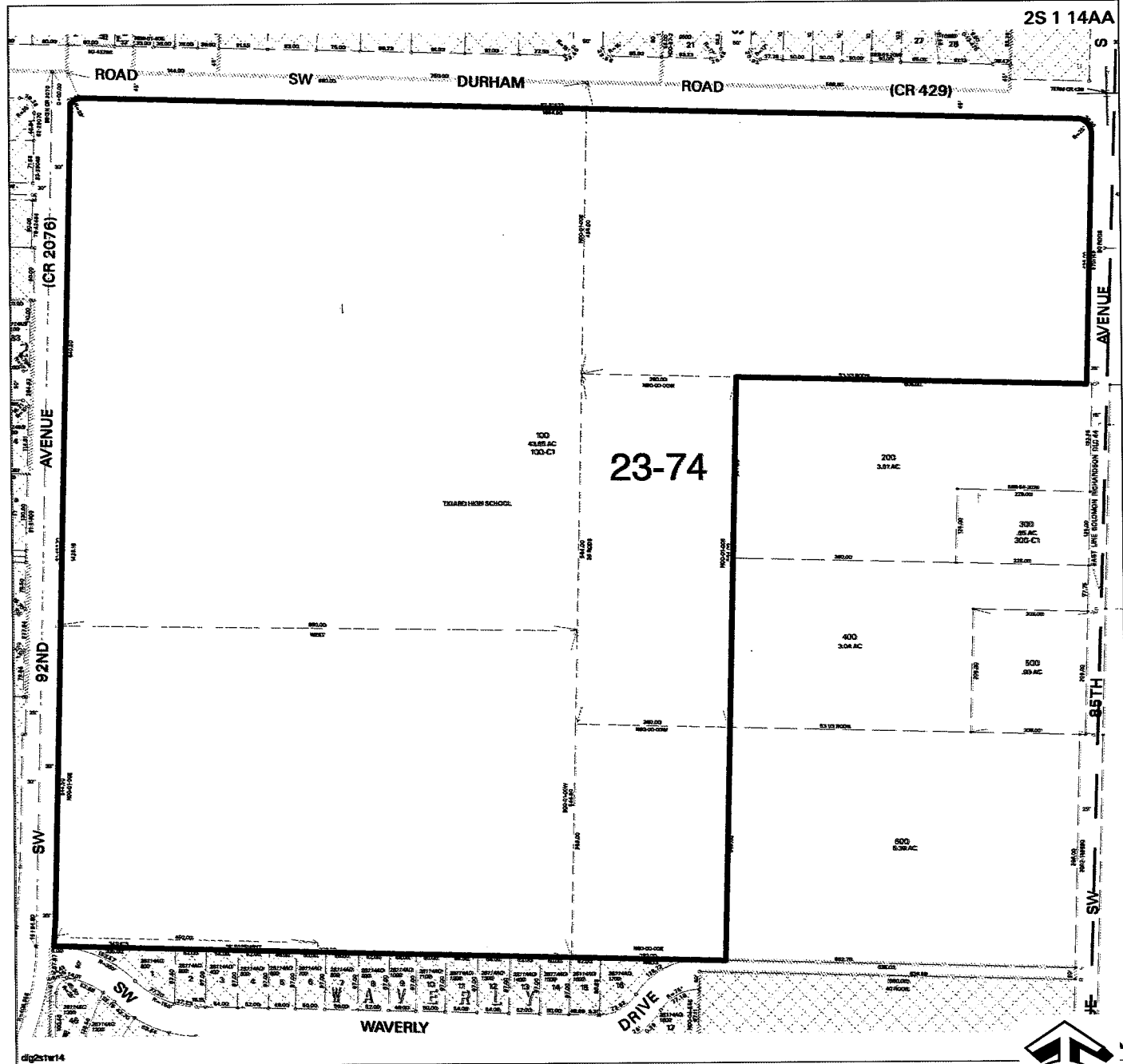
## EXHIBITS

Exhibit '1'	Tax Map
Exhibit '2'	Aerial Photograph
Exhibit '3'	Aerial Photograph – East Property
Exhibit '4'	Zoning Map
Exhibit '5'	No Bus Parking Buffer Map
Exhibit '6'	Table 18.510.1 – As Proposed
Exhibit '7'	Pre-application Conference Notes

## Legend



Subject Property (2S114AA00100)



20085 NW TANASBOURNE DRIVE  
HILLSBORO, OREGON 97124  
PH: 503.858.4242  
FAX: 503.645.5500

# Exhibit 1: Tax Map Bus Parking Text Amendment City of Tigard, Washington County, Oregon

Source:  
Washington County Intermap

Date:  
11/06/2006

Scale:  
Not To Scale

Project #:  
1446.001.00

Drawn By: CEB



20085 NW TANASBOURNE DRIVE  
HILLSBORO, OREGON 97124  
PH: 503.858.4242  
FAX: 503.645.5500

## Exhibit 2: Aerial Photograph Bus Parking Text Amendment City of Tigard, Washington County, Oregon

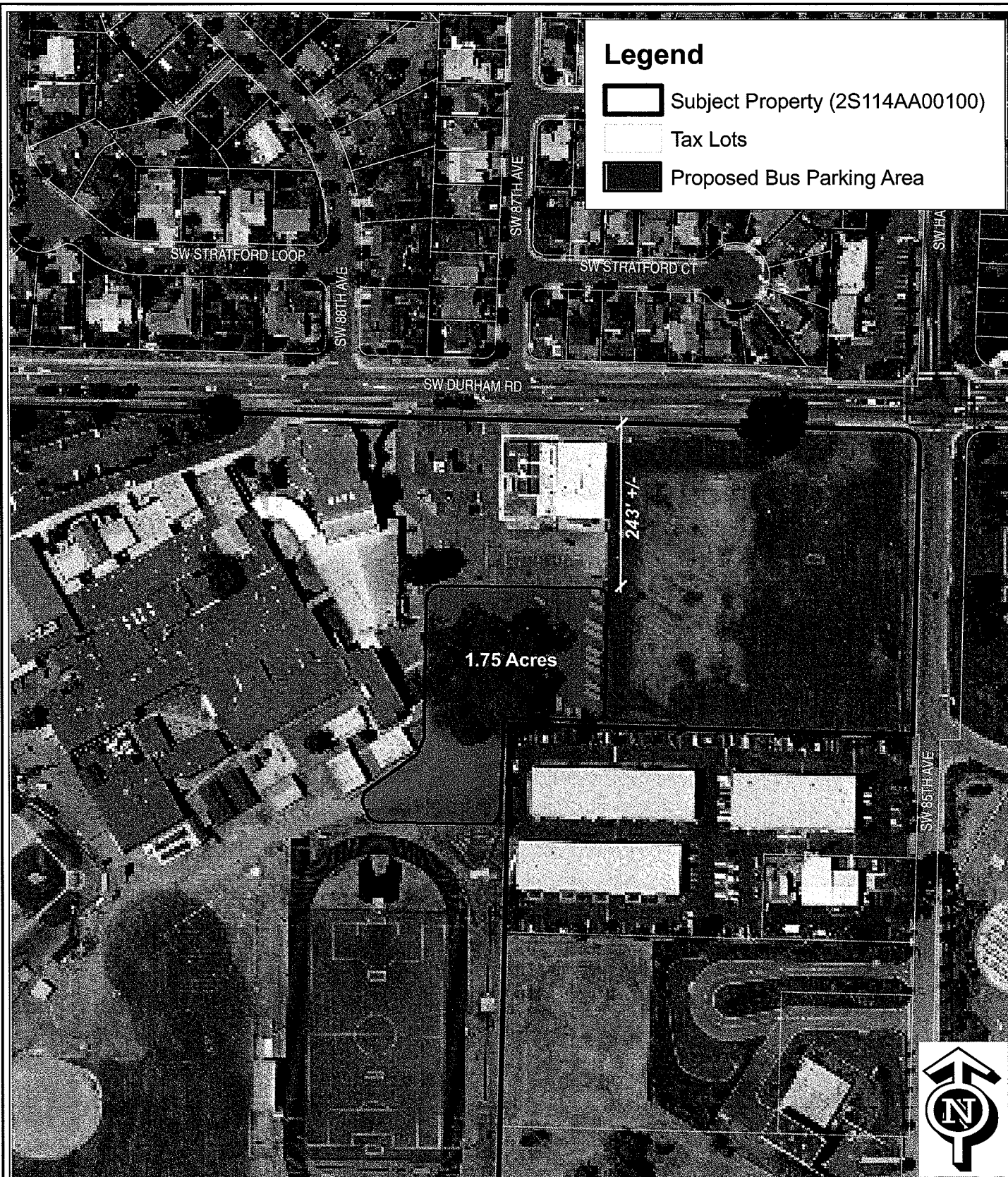
Sources:  
Metro Data Resource Center, RLIS Lite Data Disc, August 2006 and  
Metro Data Resource Center, RLIS Photo, 2001.

Date:  
11/09/2006

Scale:  
1 in. = 300 ft.

Project #:  
1446.001.00

Drawn By: CEB



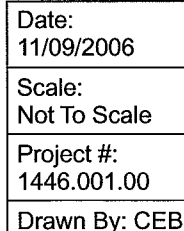
20085 NW TANASBOURNE DRIVE  
HILLSBORO, OREGON 97124  
PH: 503.858.4242  
FAX: 503.645.5500

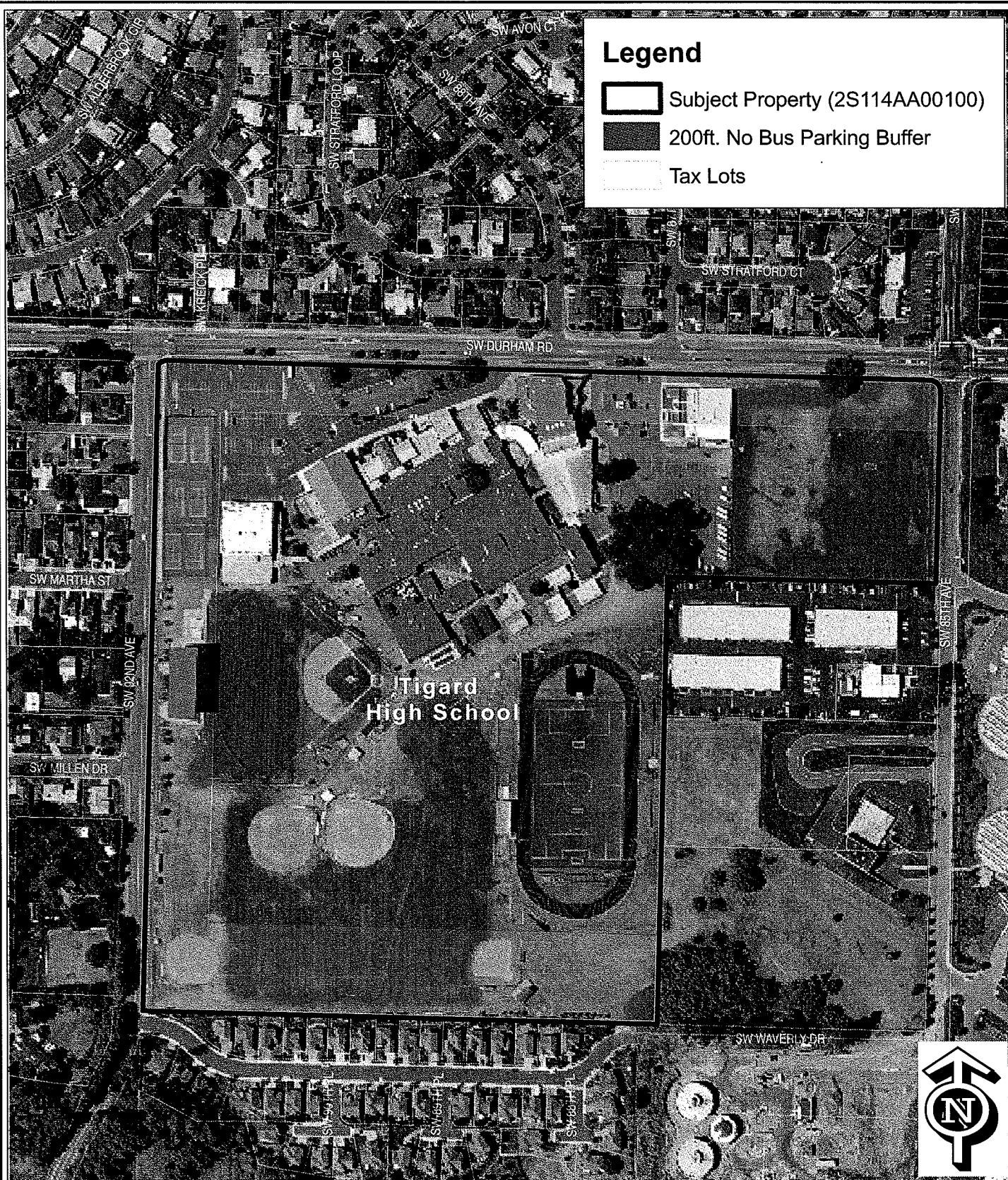
# Exhibit 3: Aerial Photograph East Property Bus Parking Text Amendment City of Tigard, Washington County, Oregon

Sources:  
Metro Data Resource Center, RLIS Lite Data Disc, August 2006 and  
Metro Data Resource Center, RLIS Photo, 2001.

Date: 11/09/2006
Scale: 1 in. = 200 ft.
Project #: 1446.001.00
Drawn By: CEB







20085 NW TANASBOURNE DRIVE  
HILLSBORO, OREGON 97124  
PH: 503.858.4242  
FAX: 503.645.5500

## Exhibit 5: No Bus Parking 200 ft. Buffer Bus Parking Text Amendment City of Tigard, Washington County, Oregon

### Sources:

Metro Data Resource Center, RLIS Lite Data Disc, August 2006 and  
Metro Data Resource Center, RLIS Photo, 2001.

Date:  
11/09/2006

Scale:  
1 in. = 300 ft.

Project #:  
1446.001.00

Drawn By: CEB

**TABLE 18.510.1**  
**USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
<b>RESIDENTIAL</b>								
Household Living	P	P	P	P	P	P	P	P
Group Living	R <sup>1</sup> /C	R <sup>1</sup> /C	R <sup>1</sup> /C	R <sup>1</sup> /C	R <sup>1</sup> /C	R <sup>1</sup> /C	R <sup>1</sup> /C	R <sup>1</sup> /C
Transitional Housing	N	N	N	N	N	C	C	C
Home Occupation	R <sup>2</sup>	R <sup>2</sup>	R <sup>2</sup>	R <sup>2</sup>	R <sup>2</sup>	R <sup>2</sup>	R <sup>2</sup>	R <sup>2</sup>
<b>HOUSING TYPES</b>								
Single Units, Attached	N	N	N	R <sup>8</sup>	R <sup>9</sup> /C	P	P	P
Single Units, Detached	P	P	P	P	P	P	P	P
Accessory Units	R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>
Duplexes	N	N	C	C	P	P	P	P
Multi-Family Units	N	N	N	N	N	P	P	P
Manufactured Units	P	P	P	P	P	P	P	p
Mobile Home Parks/Subdivisions	N	N	C	C	P	P	P	P
<b>CIVIC (INSTITUTIONAL)</b>								
Basic Utilities	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>
Colleges	C	C	C	C	C	C	C	C
Community Recreation	C	C	C	C	C	C	C	C
Cultural Institutions	N	N	C	C	C	C	N	N
Day Care	P/C <sup>5</sup>	P/C <sup>5</sup>	P/C <sup>5</sup>	P/C <sup>5</sup>	P/C <sup>5</sup>	P/C <sup>5</sup>	P/C <sup>5</sup>	P/C <sup>5</sup>
Emergency Services	C	C	C	C	C	N	N	N
Medical Centers	N	N	C	C	C	C	C	C
Postal Service	N	N	N	N	N	N	N	N
Public Support Facilities	P	P	P	P	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	C
<b>Schools</b>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>	<u>C/R<sup>12</sup></u>
Social/Fraternal Clubs/Lodges	N	N	N	N	N	C	C	C
<b>COMMERCIAL</b>								
Commercial Lodging	N	N	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N	N	N
Entertainment-Oriented								
- Major Event Entertainment	N	N	N	N	N	N	N	N
- Outdoor Entertainment	N	N	N	N	N	N	N	N
- Indoor Entertainment	N	N	N	N	N	N	N	N
- Adult Entertainment	N	N	N	N	N	N	N	N
General Retail								
- Sales-Oriented	N	N	N	N	N	N	R <sup>11</sup>	R <sup>11</sup>
- Personal Services	N	N	N	N	N	N	R <sup>11</sup>	R <sup>11</sup>
- Repair-Oriented	N	N	N	N	N	N	R <sup>11</sup>	R <sup>11</sup>
- Bulk Sales	N	N	N	N	N	N	N	N
- Outdoor Sales	N	N	N	N	N	N	N	N
- Animal-Related	N	N	N	N	N	N	N	N

**TABLE 18.5110.1 (CON'T)**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Motor Vehicle Related								
- Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
- Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
- Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>
<b>INDUSTRIAL</b>								
Industrial Services	N	N	N	N	N	N	N	N
Manufacturing and Production								
- Light Industrial	N	N	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N	N	N
- Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N
<b>OTHER</b>								
Agriculture/Horticulture	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	N	N	N
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R <sup>7</sup>	P/R <sup>7</sup>	P/R <sup>7</sup>	P/R <sup>7</sup>	P/R <sup>7</sup>	P/R <sup>7</sup>	P/R <sup>7</sup>	P/R <sup>7</sup>
Rail Lines/Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

<sup>1</sup>Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

<sup>2</sup>Permitted subject to requirements Chapter 18.742.

<sup>3</sup>Permitted subject to compliance with requirements in 18.710.

<sup>4</sup>Except water and storm and sanitary sewers, which are allowed by right.

<sup>5</sup>In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

<sup>6</sup>When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.



<sup>7</sup>See Chapter 18.798, Wireless Communication Facilities, for requirements for permitted and restricted facilities.

<sup>8</sup>Attached single-family units permitted only as part of an approved planned development.

<sup>9</sup>Permitted by right if no more than five units in a grouping; permitted conditionally if six or more units per grouping.

<sup>10</sup>Only park-and-ride and other transit-related facilities permitted conditionally.

<sup>11</sup>Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building.

<sup>12</sup>**School bus parking is permitted at public high school sites as a restricted use; it must be located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes.**

#### **18.510.040 Minimum and Maximum Densities**

A. Purpose. The purpose of this section is to establish minimum and maximum densities in each residential zoning district. To ensure the quality and density of development envisioned, the maximum density establishes the ceiling for development in each zoning district based on minimum lot size. To ensure that property develops at or near the density envisioned for the zone, the minimum density for each zoning district has been established at 80% of maximum density.

B. Calculating minimum and maximum densities. The calculation of minimum and maximum densities is governed by the formulas in Chapter 18.715, Density Computations.

C. Adjustments. Applicants may request an adjustment when, because of the size of the site or other constraint, it is not possible to accommodate the proportional minimum density as required by Section 18.71 5020C and still comply with all of the development standards in the underlying zoning district, as contained in Table 18.5 10.2 below. Such an adjustment may be granted by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria in Section 18.370.020.C.2.

#### **18.510.050 Development Standards**

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370;
2. All other applicable standards and requirements contained in this title.

B. Development Standards. Development standards in residential zoning districts are contained in Table 18.510.2.

# CITY OF TIGARD

## PRE-APPLICATION CONFERENCE NOTES

(Pre-Application Meeting Notes are Valid for Six (6) Months)



PREAPP. MEETING DATE: 10-10-06  
 DATE AT PREAPP: CAC

### NON-RESIDENTIAL

APPLICANT: Tigard Tualatin School District  
 Phone: (503) 431-4000

AGENT: Kelly Hussaini  
 Phone: (503) 205-2332

#### PROPERTY LOCATION:

ADDRESS/GENERAL LOCATION: Citywide Residential Zones

TAX MAP(S)/LOT #(S): \_\_\_\_\_

NECESSARY APPLICATIONS: DCA (Development Code Amendment)

PROPOSAL DESCRIPTION: Amend text of the residential use code to allow bus parking/storage.

#### COMPREHENSIVE PLAN

MAP DESIGNATION: Citywide residential

ZONING MAP DESIGNATION: Citywide residential

#### ZONING DISTRICT DIMENSIONAL REQUIREMENTS (Refer to Code Section 18.)

MINIMUM LOT SIZE: \_\_\_\_\_ sq. ft. Average Min. lot width: \_\_\_\_\_ ft. Max. building height: \_\_\_\_\_ ft.  
 Setbacks: Front \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft. Corner \_\_\_\_\_ ft. from street.  
 MAXIMUM SITE COVERAGE: \_\_\_\_\_ % Minimum landscaped or natural vegetation area: \_\_\_\_\_ %.

#### NEIGHBORHOOD MEETING (Refer to the Neighborhood Meeting Handout)

Not  
Required

THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS WITHIN 500 FEET, INTERESTED PARTIES, AND THE CITY OF TIGARD PLANNING DIVISION of their proposal. A minimum of two (2) weeks between the mailing date and the meeting date is required. Please review the Land Use Notification handout concerning site posting and the meeting notice. Meeting is to be held prior to submitting your application or the application will not be accepted.

#### \* NOTE:

In order to also preliminarily address building code standards, a meeting with a Plans Examiner is encouraged prior to submittal of a land use application.

- If a replacement tree of the size cut is not reasonably available on the local market or would not be viable, the Director shall require replacement with more than one tree in accordance with the following formula:
  - ✦ The number of replacement trees required shall be determined by dividing the estimated caliper size of the tree removed or damaged, by the caliper size of the largest reasonably available replacement trees. If this number of trees cannot be viably located on the subject property, the Director may require one (1) or more replacement trees to be planted on other property within the city, either public property or, with the consent of the owner, private property.
- The planting of a replacement tree shall take place in a manner reasonably calculated to allow growth to maturity.

IN-LIEU OF TREE REPLACEMENT under Subsection D of this section, a party may, with the consent of the Director, elect to compensate the City for its costs in performing such tree replacement.

☐ **CLEAR VISION AREA (Refer to Code Chapter 18.795)**

The City requires that CLEAR VISION AREAS BE MAINTAINED BETWEEN THREE (3) AND EIGHT (8) FEET IN HEIGHT at road/driveway, road/railroad, and road/road intersections. The size of the required clear vision area depends upon the abutting street's functional classification and any existing obstructions within the clear vision area.

☐ **ADDITIONAL LOT DIMENSIONAL REQUIREMENTS (Refer to Code Section 18.810.060)**

MINIMUM LOT FRONTAGE: 25 feet unless lot is created through the minor land partition process. Lots created as part of a partition must have a minimum of 15 feet of frontage or have a minimum 15-foot-wide access easement.

The DEPTH OF ALL LOTS SHALL NOT EXCEED 2½ TIMES THE AVERAGE WIDTH, unless the parcel is less than 1½ times the minimum lot size of the applicable zoning district.

**CODE CHAPTERS**

<input type="checkbox"/> 18.330 (Conditional Use)	<input type="checkbox"/> 18.620 (Tigard Triangle Design Standards)	<input type="checkbox"/> 18.765 (Off-Street Parking/Loading Requirements)
<input type="checkbox"/> 18.340 (Director's Interpretation)	<input type="checkbox"/> 18.630 (Washington Square Regional Center)	<input type="checkbox"/> 18.775 (Sensitive Lands Review)
<input type="checkbox"/> 18.350 (Planned Development)	<input type="checkbox"/> 18.705 (Access/Egress/Circulation)	<input type="checkbox"/> 18.780 (Signs)
<input type="checkbox"/> 18.360 (Site Development Review)	<input type="checkbox"/> 18.710 (Accessory Residential Units)	<input type="checkbox"/> 18.785 (Temporary Use Permits)
<input type="checkbox"/> 18.370 (Variances/Adjustments)	<input type="checkbox"/> 18.715 (Density Computations)	<input type="checkbox"/> 18.790 (Tree Removal)
<input checked="" type="checkbox"/> 18.380 (Zoning Map/Text Amendments)	<input type="checkbox"/> 18.720 (Design Compatibility Standards)	<input type="checkbox"/> 18.795 (Visual Clearance Areas)
<input type="checkbox"/> 18.385 (Miscellaneous Permits)	<input type="checkbox"/> 18.725 (Environmental Performance Standards)	<input type="checkbox"/> 18.798 (Wireless Communication Facilities)
<input checked="" type="checkbox"/> 18.390 (Decision Making Procedures/Impact Study)	<input type="checkbox"/> 18.730 (Exceptions To Development Standards)	<input type="checkbox"/> 18.810 (Street & Utility Improvement Standards)
<input type="checkbox"/> 18.410 (Lot Line Adjustments)	<input type="checkbox"/> 18.740 (Historic Overlay)	
<input type="checkbox"/> 18.420 (Land Partitions)	<input type="checkbox"/> 18.742 (Home Occupation Permits)	
<input type="checkbox"/> 18.430 (Subdivisions)	<input checked="" type="checkbox"/> 18.745 (Landscaping & Screening Standards) - if necessary	
<input checked="" type="checkbox"/> 18.510 (Residential Zoning Districts)	<input type="checkbox"/> 18.750 (Manufactured/Mobil Home Regulations)	
<input type="checkbox"/> 18.520 (Commercial Zoning Districts)	<input type="checkbox"/> 18.755 (Mixed Solid Waste/Recycling Storage)	
<input type="checkbox"/> 18.530 (Industrial Zoning Districts)	<input type="checkbox"/> 18.760 (Nonconforming Situations)	

## ADDITIONAL CONCERNS OR COMMENTS:

- Application must include responses to the applicable criteria in the Tigard Development Code, Comprehensive Plan policies and Statewide Planning Goals.
- Prepare text changes. (Show changes)
- Type IV application
  - Planning Commission hearing for recommendation to City Council. City Council will be a separate hearing.
  - Require 18 copies of application.
  - Fee is \$3,421
- Example ZOA 2003-00002 Sign Code Amendment, also ZOA 2004-00001  
To review this file please contact Lora Garland in our Records Division at (503) 718-2463.
- Access onto SW 85th may be possible with an adjustment.

## PROCEDURE

- ☐ Administrative Staff Review.
- ☐ Public hearing before the Land Use Hearings Officer.
- ☐ Public hearing before the Planning Commission.
- ☒ Public hearing before the Planning Commission with the Commission making a recommendation on the proposal to the City Council. An additional public hearing shall be held by the City Council.

## APPLICATION SUBMITTAL PROCESS

All APPLICATIONS MUST BE ACCEPTED BY A PLANNING DIVISION STAFF MEMBER of the Community Development Department at Tigard City Hall offices. **PLEASE NOTE: Applications submitted by mail or dropped off at the counter without Planning Division acceptance may be returned. The Planning counter closes at 5:00 PM.**

**Maps submitted with an application shall be folded IN ADVANCE to 8½" x 11". One, 8½" x 11" map of a proposed project shall be submitted for attachment to the staff report or administrative decision. Applications with unfolded maps shall not be accepted.**

The Planning Division and Engineering Department will perform a preliminary review of the application and will determine whether an application is complete within 30 days of the counter submittal. Staff will notify the applicant if additional information or additional copies of the submitted materials are required.

The administrative decision or public hearing will typically occur approximately 45 to 60 days after an application is accepted as being complete by the Planning Division. Applications involving difficult or protracted issues or requiring review by other jurisdictions may take additional time to review. Written recommendations from the Planning staff are issued seven (7) days prior to the public hearing. A 10-day public appeal period follows all land use decisions. An appeal on this matter would be heard by the Tigard LUBA. A basic flow chart which illustrates the review process is available from the Planning Division upon request.

**Land use applications requiring a public hearing must have notice posted on-site by the applicant no less than 10 days prior to the public hearing.**

This PRE-APPLICATION CONFERENCE AND THE NOTES OF THE CONFERENCE ARE INTENDED TO INFORM the prospective applicant of the primary Community Development Code requirements applicable to the potential development of a particular site and to allow the City staff and prospective applicant to discuss the opportunities and constraints affecting development of the site.

### **BUILDING PERMITS**

PLANS FOR BUILDING AND OTHER RELATED PERMITS WILL NOT BE ACCEPTED FOR REVIEW UNTIL A LAND USE APPROVAL HAS BEEN ISSUED. Final inspection approvals by the Building Division will not be granted until there is compliance with all conditions of development approval. These pre-application notes do not include comments from the Building Division. For proposed buildings or modifications to existing buildings, it is recommended to contact a Building Division Plans Examiner to determine if there are building code issues that would prevent the structure from being constructed, as proposed. Additionally, with regard to Subdivisions and Minor Land Partitions where any structure to be demolished has system development charge (SDC) credits and the underlying parcel for that structure will be eliminated when the new plat is recorded, the City's policy is to apply those system development credits to the first building permit issued in the development (**UNLESS OTHERWISE DIRECTED BY THE DEVELOPER AT THE TIME IN WHICH THE DEMOLITION PERMIT IS OBTAINED**).

**PLEASE NOTE:** The conference and notes cannot cover all Code requirements and aspects related to site planning that should apply to the development of your site plan. Failure of the staff to provide information required by the Code shall not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant either obtain and read the Community Development Code or ask any questions of City staff relative to Code requirements prior to submitting an application.

**AN ADDITIONAL PRE-APPLICATION FEE AND CONFERENCE WILL BE REQUIRED IF AN APPLICATION PERTAINING TO THIS PRE-APPLICATION CONFERENCE IS SUBMITTED AFTER A PERIOD OF MORE THAN SIX (6) MONTHS FOLLOWING THIS CONFERENCE (unless deemed as unnecessary by the Planning Division).**

PREPARED BY:

*Cheryl A. Cairnes* X2437

CITY OF TIGARD PLANNING DIVISION - STAFF PERSON HOLDING PRE-APP. MEETING

PHONE: 503-639-4171 FAX: 503-684-7297

EMAIL: (staff's first name)@ci.tigard.or.us  
*cheryl@tigard-or.gov*

**TITLE 18** (CITY OF TIGARD'S COMMUNITY DEVELOPMENT CODE) **INTERNET ADDRESS:** [www.ci.tigard.or.us](http://www.ci.tigard.or.us)

✓ = possible applicable policies

VOLUME II

FINDINGS, POLICIES AND IMPLEMENTATION STRATEGIES

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  - 12.3 Industrial
  - 12.4 Community Utilities and Facilities
  - 12.5 Mixed Use Districts